

FILED

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

APR 20 2023

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

KEVIN W. DUNIGAN,

Plaintiff-Appellant,

v.

RAYBON C. JOHNSON, Warden; et al.,

Defendants-Appellees.

No. 22-56152

D.C. No.

2:22-cv-07216-ODW-E

Central District of California,

Los Angeles

ORDER

Before: PAEZ, WATFORD, and FORREST, Circuit Judges.

Upon a review of the record and the opening brief filed on December 28, 2022, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry Nos. 7 & 8), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

All other pending motions are denied as moot.

No further filings will be considered.

DISMISSED.

MIME-Version:1.0 From:cad_ecfmail@cad.uscourts.gov To:noreply@ao.uscourts.gov
Message-Id:<34909940@cad.uscourts.gov>Subject:Activity in Case 2:22-cv-07216-ODW-E Kevin
Dunigan v. Raybon C. Johnson et al Notice of Document Discrepancies and Order - Rejecting
Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

The following transaction was entered on 11/16/2022 at 2:11 PM PST and filed on 11/16/2022

Case Name: Kevin Dunigan v. Raybon C. Johnson et al

Case Number: 2:22-cv-07216-ODW-E

Filer: Kevin Dunigan

WARNING: CASE CLOSED on 11/14/2022

Document Number: 10

Docket Text:

NOTICE OF DISCREPANCY AND ORDER: by Judge Otis D. Wright, II, **ORDERING** Motion to Have Delinquent Filings Investigated submitted by Plaintiff Kevin Dunigan received on 11/15/22 is not to be filed but instead rejected. Denial based on: Case terminated. See Minute Order filed 11/14/2022. (rolm)

2:22-cv-07216-ODW-E Notice has been electronically mailed to:

2:22-cv-07216-ODW-E Notice has been delivered by First Class U. S. Mail or by other means **BY THE FILER** to :

Kevin Dunigan

G-32435

CALIFORNIA STATE PRISON, LOS ANGELES COUNTY (8457)

P.O. Box 8457

Lancaster CA 93539-8457

MIME-Version:1.0 From:caed_ecfmail@caed.uscourts.gov To:noreply@ao.uscourts.gov
Message-Id:<34897222@caed.uscourts.gov>Subject:Activity in Case 2:22-cv-07216-ODW-E Kevin
Dunigan v. Raybon C. Johnson et al Order Dismissing Case Content-Type: text/html

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT
RESPOND to this e-mail because the mail box is unattended.**

*****NOTE TO PUBLIC ACCESS USERS*** There is no charge for viewing opinions.**

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

The following transaction was entered on 11/14/2022 at 5:27 PM PST and filed on 11/14/2022

Case Name: Kevin Dunigan v. Raybon C. Johnson et al

Case Number: 2:22-cv-07216-ODW-E

Filer:

WARNING: CASE CLOSED on 11/14/2022

Document Number: 9

Docket Text:

MINUTES (IN CHAMBERS) by Judge Otis D. Wright, II. As of todays date, Plaintiff has not paid the filing fee, nor has Plaintiff filed a Request to Proceed without Prepayment of Filing Fees. Accordingly, the action is **DISMISSED**. All pending motions are **DENIED AS MOOT**, and any remaining dates and deadlines are **VACATED**. The Clerk of the Court shall close the case. **IT IS SO ORDERED. Case Terminated. Made JS-6. (rolm)**

2:22-cv-07216-ODW-E Notice has been electronically mailed to:

2:22-cv-07216-ODW-E Notice has been delivered by First Class U. S. Mail or by other means BY THE FILER to :

Kevin Dunigan

G-32435

CALIFORNIA STATE PRISON, LOS ANGELES COUNTY (8457)

P.O. Box 8457

Lancaster CA 93539-8457

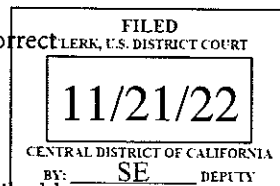
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES

To: ☒ U.S. District Judge / ☐ U.S. Magistrate Judge Wright
From: Sheila English, Deputy Clerk Date Received: November 21, 2022
Case No.: CV 22-7216 ODW-E Case Title: Kevin Dunigan v. Raybon C. Johnson, et al.
Document Entitled: Motion For all Sovereign Relief

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- | | |
|--|---|
| <input type="checkbox"/> Local Rule 5-4.1 | Documents must be filed electronically |
| <input type="checkbox"/> Local Rule 6-1 | Written notice of motion lacking or timeliness of notice incorrect |
| <input type="checkbox"/> Local Rule 7-19.1 | Notice to other parties of ex parte application lacking |
| <input type="checkbox"/> Local Rule 7.1-1 | No Certification of Interested Parties and/or no copies |
| <input type="checkbox"/> Local Rule 11-3.1 | Document not legible |
| <input type="checkbox"/> Local Rule 11-3.8 | Lacking name, address, phone, facsimile numbers, and e-mail address |
| <input type="checkbox"/> Local Rule 11-4.1 | No copy provided for judge |
| <input type="checkbox"/> Local Rule 11-6 | Memorandum/brief exceeds 25 pages |
| <input type="checkbox"/> Local Rule 11-8 | Memorandum/brief exceeding 10 pages shall contain table of contents |
| <input type="checkbox"/> Local Rule 15-1 | Proposed amended pleading not under separate cover |
| <input type="checkbox"/> Local Rule 16-7 | Pretrial conference order not signed by all counsel |
| <input type="checkbox"/> Local Rule 19-1 | Complaint/Petition includes more than 10 Does or fictitiously named parties |
| <input type="checkbox"/> Local Rule 56-1 | Statement of uncontroverted facts and/or proposed judgment lacking |
| <input type="checkbox"/> Local Rule 56-2 | Statement of genuine disputes of material fact lacking |
| <input type="checkbox"/> Local Rule 83-2.5 | No letters to the judge |
| <input type="checkbox"/> Fed. R. Civ. P. 5 | No proof of service attached to document(s) |
| <input checked="" type="checkbox"/> Other: | <u>Case terminated. See Minute Order filed 11/14/2022.</u> |



Please refer to the Court's website at www.cacd.uscourts.gov for Local Rules, General Orders, and applicable forms.

ORDER OF THE JUDGE/MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- ☐ The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date

U.S. District Judge / U.S. Magistrate Judge

- ☒ The document is **NOT** to be filed, but instead **REJECTED**, and is ORDERED returned to counsel.* Counsel* shall immediately notify, in writing, all parties previously served with the attached documents that said documents have not been filed with the Court.

Date November 21, 2022


U.S. District Judge / U.S. Magistrate Judge

* The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

COPY 1 - ORIGINAL-OFFICE

COPY 2 - JUDGE

COPY 3 - SIGNED & RETURNED TO FILER

COPY 4 - FILER RECEIPT

MIME-Version:1.0 From:caed_ecfmail@caed.uscourts.gov To:noreply@ao.uscourts.gov
Message-Id:<34933833@caed.uscourts.gov>Subject:Activity in Case 2:22-cv-07216-ODW-E Kevin
Dunigan v. Raybon C. Johnson et al Notice of Document Discrepancies and Order - Rejecting
Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT
RESPOND to this e-mail because the mail box is unattended.

NOTE TO PUBLIC ACCESS USERS Judicial Conference of the United States policy
permits attorneys of record and parties in a case (including pro se litigants) to receive one free
electronic copy of all documents filed electronically, if receipt is required by law or directed by
the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of
each document during this first viewing. However, if the referenced document is a transcript, the
free copy and 30 page limit do not apply.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on 11/21/2022 at 2:09 PM PST and filed on 11/21/2022

Case Name: Kevin Dunigan v. Raybon C. Johnson et al

Case Number: 2:22-cv-07216-ODW-E

Filer: Kevin Dunigan

WARNING: CASE CLOSED on 11/14/2022

Document Number: 11

Docket Text:

NOTICE OF DISCREPANCY AND ORDER: by Judge Otis D. Wright, II, ORDERING Motion
For all Sovereign Relief submitted by Plaintiff Kevin Dunigan received on 11/21/2022 is not to be
filed but instead rejected. Denial based on: Case terminated. See Minute Order 11/14/2022. (es)

2:22-cv-07216-ODW-E Notice has been electronically mailed to:

2:22-cv-07216-ODW-E Notice has been delivered by First Class U. S. Mail or by other means **BY**
THE FILER to :

Kevin Dunigan

G-32435

CALIFORNIA STATE PRISON, LOS ANGELES COUNTY (8457)

P.O. Box 8457

Lancaster CA 93539-8457

MIME-Version:1.0 From:cacd_ecfmail@cacd.uscourts.gov To:noreply@ao.uscourts.gov
Message-Id:<34698287@cacd.uscourts.gov>Subject:Activity in Case 2:22-cv-07216-ODW-E Kevin
Dunigan v. Raybon C. Johnson et al Notice of Reference to US Magistrate Judge (CV-25) - optional
html form Content-Type: text/html

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT
RESPOND to this e-mail because the mail box is unattended.**

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy
permits attorneys of record and parties in a case (including pro se litigants) to receive one free
electronic copy of all documents filed electronically, if receipt is required by law or directed by
the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of
each document during this first viewing. However, if the referenced document is a transcript, the
free copy and 30 page limit do not apply.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

The following transaction was entered on 10/6/2022 at 4:30 PM PDT and filed on 10/6/2022

Case Name: Kevin Dunigan v. Raybon C. Johnson et al

Case Number: 2:22-cv-07216-ODW-E

Filer:

Document Number: 7

Docket Text:

NOTICE OF ASSIGNMENT to District Judge Otis D. Wright, II and referred to Magistrate
Judge Charles F. Eick. (car)

2:22-cv-07216-ODW-E Notice has been electronically mailed to:

2:22-cv-07216-ODW-E Notice has been delivered by First Class U. S. Mail or by other means **BY
THE FILER** to :

Kevin Dunigan

G-32435

CALIFORNIA STATE PRISON, LOS ANGELES COUNTY (8457)

P.O. Box 8457

Lancaster CA 93539-8457

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF DOCUMENT DISCREPANCIES

To: ☒ U.S. District Judge / ☐ U.S. Magistrate Judge Wright

From: Sheila English, Deputy Clerk

Date Received: November 21, 2022

Case No.: CV 22-7216 ODW (E)

Case Title: Kevin Dunigan v. Raybon Johnson, et al.

Document Entitled: Motion for Leave to File Motion for Emancipation

Upon the submission of the attached document(s), it was noted that the following discrepancies exist:

- | | |
|--|---|
| <input type="checkbox"/> Local Rule 5-4.1 | Documents must be filed electronically |
| <input type="checkbox"/> Local Rule 6-1 | Written notice of motion lacking or timeliness of notice incorrect |
| <input type="checkbox"/> Local Rule 7-19.1 | Notice to other parties of ex parte application lacking |
| <input type="checkbox"/> Local Rule 7.1-1 | No Certification of Interested Parties and/or no copies |
| <input type="checkbox"/> Local Rule 11-3.1 | Document not legible |
| <input type="checkbox"/> Local Rule 11-3.8 | Lacking name, address, phone, facsimile numbers, and e-mail address |
| <input type="checkbox"/> Local Rule 11-4.1 | No copy provided for judge |
| <input type="checkbox"/> Local Rule 11-6 | Memorandum/brief exceeds 25 pages |
| <input type="checkbox"/> Local Rule 11-8 | Memorandum/brief exceeding 10 pages shall contain table of contents |
| <input type="checkbox"/> Local Rule 15-1 | Proposed amended pleading not under separate cover |
| <input type="checkbox"/> Local Rule 16-7 | Pretrial conference order not signed by all counsel |
| <input type="checkbox"/> Local Rule 19-1 | Complaint/Petition includes more than 10 Does or fictitiously named parties |
| <input type="checkbox"/> Local Rule 56-1 | Statement of uncontroverted facts and/or proposed judgment lacking |
| <input type="checkbox"/> Local Rule 56-2 | Statement of genuine disputes of material fact lacking |
| <input type="checkbox"/> Local Rule 83-2.5 | No letters to the judge |
| <input type="checkbox"/> Fed. R. Civ. P. 5 | No proof of service attached to document(s) |
| <input checked="" type="checkbox"/> Other: | <u>Case terminated. See Minute Order filed 11/14/2022.</u> |

Please refer to the Court's website at www.cacd.uscourts.gov for Local Rules, General Orders, and applicable forms.

ORDER OF THE JUDGE/MAGISTRATE JUDGE

IT IS HEREBY ORDERED:

- ☐ The document is to be filed and processed. The filing date is ORDERED to be the date the document was stamped "received but not filed" with the Clerk. Counsel* is advised that any further failure to comply with the Local Rules may lead to penalties pursuant to Local Rule 83-7.

Date

U.S. District Judge / U.S. Magistrate Judge

- ☒ The document is NOT to be filed, but instead REJECTED, and is ORDERED returned to counsel.* Counsel* shall immediately notify, in writing, all parties previously served with the attached documents that said documents have not been filed with the Court.

December 1, 2022

Date


U.S. District Judge / U.S. Magistrate Judge

* The term "counsel" as used herein also includes any pro se party. See Local Rule 1-3.

COPY 1 - ORIGINAL-OFFICE

COPY 2 - JUDGE

COPY 3 - SIGNED & RETURNED TO FILER

COPY 4 - FILER RECEIPT

MIME-Version:1.0 From:cad_ecfmail@cad.uscourts.gov To:noreply@ao.uscourts.gov
Message-Id:<34987654@cad.uscourts.gov>Subject:Activity in Case 2:22-cv-07216-ODW-E Kevin
Dunigan v. Raybon C. Johnson et al Notice of Document Discrepancies and Order - Rejecting
Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. Please **DO NOT RESPOND** to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

The following transaction was entered on 12/2/2022 at 11:15 AM PST and filed on 12/2/2022

Case Name: Kevin Dunigan v. Raybon C. Johnson et al

Case Number: 2:22-cv-07216-ODW-E

Filer: Kevin Dunigan

WARNING: CASE CLOSED on 11/14/2022

Document Number: 12

Docket Text:

NOTICE OF DISCREPANCY AND ORDER: by Judge Otis D. Wright, II, ORDERING Motion for Leave to file Motion for Emancipation submitted by Plaintiff Kevin Dunigan received on 11/21/22 is not to be filed but instead rejected. Denial based on: Case terminated. See Minute Order filed 11/14/22. (lom)

2:22-cv-07216-ODW-E Notice has been electronically mailed to:

2:22-cv-07216-ODW-E Notice has been delivered by First Class U. S. Mail or by other means **BY THE FILER** to :

Kevin Dunigan

G-32435

CALIFORNIA STATE PRISON, LOS ANGELES COUNTY (8457)

P.O. Box 8457

Lancaster CA 93539-8457

MIME-Version:1.0 From:cad_ecfmail@cad.uscourts.gov To:noreply@ao.uscourts.gov
Message-Id:<35010832@cad.uscourts.gov>Subject:Activity in Case 2:22-cv-07216-ODW-E Kevin
Dunigan v. Raybon C. Johnson et al Filing Fee Letter (A-15CV) Content-Type: text/html

**This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT
RESPOND to this e-mail because the mail box is unattended.**

*****NOTE TO PUBLIC ACCESS USERS***** Judicial Conference of the United States policy
permits attorneys of record and parties in a case (including pro se litigants) to receive one free
electronic copy of all documents filed electronically, if receipt is required by law or directed by
the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of
each document during this first viewing. However, if the referenced document is a transcript, the
free copy and 30 page limit do not apply.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

The following transaction was entered on 12/7/2022 at 11:35 AM PST and filed on 12/7/2022

Case Name: Kevin Dunigan v. Raybon C. Johnson et al

Case Number: 2:22-cv-07216-ODW-E

Filer: Kevin Dunigan

WARNING: CASE CLOSED on 11/14/2022

Document Number: 14

Docket Text:

FILING FEE LETTER issued as to Plaintiff Kevin Dunigan, re Notice of Appeal to 9th Circuit
Court of Appeals [13]. (mat)

2:22-cv-07216-ODW-E Notice has been electronically mailed to:

2:22-cv-07216-ODW-E Notice has been delivered by First Class U. S. Mail or by other means **BY
THE FILER** to :

Kevin Dunigan

G-32435

CALIFORNIA STATE PRISON, LOS ANGELES COUNTY (8457)

P.O. Box 8457

Lancaster CA 93539-8457