

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JUN 28 2023

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

BRENDA M. JOHNSON,

No. 23-35233

Plaintiff-Appellant,

D.C. No. 3:19-cv-05316-BHS
Western District of Washington,
Tacoma

v.

CATHOLIC COMMUNITY SERVICES; et
al.,

ORDER

Defendants-Appellees.

Before: SILVERMAN, R. NELSON, and BUMATAY, Circuit Judges.

A review of the record, the opening brief, and the responses to the court's June 8, 2023 order to show cause indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard).

Accordingly, we summarily affirm the district court's April 3, 2023 order.

All pending motions are denied as moot.

No further filings will be considered.

AFFIRMED.

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BRENDA M. JOHNSON,

Plaintiff-Appellant,

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Defendants-Appellees.

No. 23-35233

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Western District of Washington,
Tacoma

ORDER

The opening brief was filed on April 26, 2023. The Clerk will strike the opening briefs submitted on May 6, 12, 19, and 22, 2023 (Docket Entry Nos. 30, 43-48). If appellant wishes to file a substitute opening brief, she must file a motion accompanied by the substitute opening brief.

A review of the record suggests that this appeal may be appropriate for summary disposition under Ninth Circuit Rule 3-6(b) because the district court did not abuse its discretion in denying appellant's post-judgment motions. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982).

Within 21 days after the filing date of this order, appellant shall show cause why summary affirmance of the district court's April 3, 2023 post-judgment order is not appropriate. A response may be filed within 10 days after service of the memorandum.

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SUPREME COURT, U.S.

If appellant does not comply with this order, this appeal will be automatically dismissed by the Clerk for failure to prosecute. *See* 9th Cir. R. 42-1. The briefing schedule is stayed and all pending motions are held in abeyance pending further order of the court.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRENDA M. JOHNSON,

CASE NO. C19-5316 BHS

Plaintiff,

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**ORDER GRANTING
DEFENDANTS' MOTION TO
DISMISS**

CATHOLIC COMMUNITY
SERVICES, et al.,

Defendants.

This matter comes before the Court on Defendants Catholic Community Services, Anisha Fernando, Faatima Lawrence, Nick Lieder, Melissa Moss, Nativity House, and Hazel Winner's ("Defendants") motion to dismiss. Dkt. 40.

On August 13, 2019, Plaintiff Brenda Johnson (“Johnson”) filed a second amended complaint against Defendants. Dkt. 16. On January 6, 2020, Defendants filed a motion to dismiss. Dkt. 40. Johnson did not respond, which the Court considers as an admission that the motion has merit. Local Rules W.D. Wash. LCR 7(b)(2).

Upon review of the complaint and motion, the Court agrees with Defendants that Johnson fails to state a claim upon which relief may be granted. Therefore, the Court

1 grants Defendants' motion. Moreover, the Court dismisses the complaint with prejudice
2 and without leave to amend because Johnson has filed multiple amended complaints,
3 none of which provide simple notice of her claim or a cognizable violation of federal law.

4 The Clerk shall terminate all other pending motions, enter **JUDGMENT** in favor
5 of Defendants, and close this case.

6 **IT IS SO ORDERED.**

7 Dated this 25th day of February, 2020.

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BENJAMIN H. SETTLE
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRENDA M. JOHNSON,

CASE NO. C19-5316 BHS

Plaintiff,

V.

**ORDER DENYING PLAINTIFF'S
MOTION FOR
RECONSIDERATION**

CATHOLIC COMMUNITY
SERVICES, et al.,

Defendants.

This matter comes before the Court on Plaintiff Brenda Johnson's ("Johnson") motion for reconsideration. Dkt. 54.

On February 25, 2020, the Court granted Defendants Catholic Community Services, Anisha Fernando, Faatima Lawrence, Nick Lieder, Melissa Moss, Nativity House, and Hazel Winner’s motion to dismiss because the motion had merit and Johnson failed to respond. Dkt. 50. On February 26, 2020, Johnson filed the instant motion for reconsideration. Dkt. 54.

In this case, Johnson has failed to establish that reconsideration is appropriate. A motion for reconsideration may be granted based on “a showing of manifest error in the

1 prior ruling or a showing of new facts or legal authority which could not have been
2 brought to its attention earlier with reasonable diligence.” Local Rules W.D. Wash. LCR
3 7(h). Johnson’s motion is based on her general allegations that she has stated a claim for
4 relief. Dkt. 45 at 2. In the absence of any specifics as to what those claims may be, she
5 fails to establish either manifest error or new information to support a valid claim.

6 Therefore, the Court **DENIES** her motion.

7 The Clerk shall also terminate all other pending motions filed by Johnson.

8 **IT IS SO ORDERED.**

9 Dated this 20th day of April, 2020.

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14 BENJAMIN H. SETTLE
15 United States District Judge
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Brenda Johnson
brendajtacoma@aol.com

From: Brenda Johnson brendajtacoma@aol.com
Sent: Fri, 25 Aug 2023 18:08:23 +0000
To: pcls-up-bw@printspots.com
Subject: Please print Fw: 85405-4 Kenneth Johnson, Respondent v. Brenda Johnson, Appellant

____ Forwarded Message ____
From: Harvey, JacQualine <jacqualine.harvey@courts.wa.gov>
To: kenneyj6@gmail.com <kenneyj6@gmail.com>; brendajtacoma@aol.com <brendajtacoma@aol.com>
Sent: Thursday, August 17, 2023 at 10:45:21 AM PDT
Subject: 85405-4 Kenneth Johnson, Respondent v. Brenda Johnson, Appellant

LEA ENNIS
Court Administrator/Clerk

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of the
State of Washington

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The attached documents are being transmitted to counsel electronically. This will be the only notice you will receive from the court.

ATTENTION: Beginning September 1, 2021, per new RAP 18.17, the Washington State Court of Appeals will be shifting from page count limits to word count limits. For more information see www.courts.wa.gov/wordcounts

Effective August 1, 2020 and pursuant to the intent of GR 30(b)(4), all electronic filing of documents in the Court of Appeals should be through the web portal. Electronic filing through the Court of Appeals' e-filing Internet portal is mandatory for any case participant who is admitted to practice law in the State of Washington.

In order to use the portal to file with the courts, you will first need to register and set up a free account here: [Portal Registration](#). Registration for and use of the web portal is free and allows you to file in any of the divisions of the Court of Appeals as well as the Supreme Court.

The Portal will automatically serve other parties who have an email address listed for the case. In addition, you will receive an automated message confirming that your filing was received.