

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

SEP 27 2023

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

COURTNEY GREEN,

Plaintiff-Appellant,

v.

WALT DISNEY COMPANY,

Defendant-Appellee.

No. 23-55358

D.C. No. 2:22-cv-09271-SVW-RAO
Central District of California,
Los Angeles

ORDER

Before: BADE, LEE, and VANDYKE, Circuit Judges.

The district court certified that this appeal is not taken in good faith and denied leave to proceed in forma pauperis. *See* 28 U.S.C. § 1915(a). On April 20, 2023, the court ordered appellant to explain in writing why this appeal should not be dismissed as frivolous. *See* 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

Upon a review of the record and the opening briefs, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 5) and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.

DISMISSED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:22-cv-09271-SVW-RAO	Date	April 5, 2023
Title	<i>Courtney Green v. The Walt Disney Company</i>		

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Paul M. Cruz

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: ORDER DENYING PLAINTIFF'S MOTION TO VACATE [37]

Before the Court is a "motion to vacate order of dismiss [sic]" filed by Plaintiff, ECF No. 37, seeking to vacate the Court's order dismissing the case with prejudice, ECF No. 19. Plaintiff's motion does not provide any grounds for this Court to reconsider its prior order. Plaintiff has not alleged any new facts and continues to assert his fantastical and frivolous claims. Accordingly, the motion is DENIED.

Furthermore, the Court advises Plaintiff that it will not accept any further filings in this case, except for a Notice of Appeal from this Order. The Court has already denied Plaintiff's motion seeking in forma pauperis ("IFP") status for a purported appeal.¹ ECF No. 36. And further certifies that any appeal from this Order is not taken in good faith under 28 U.S.C. § 1915(a) and is frivolous, without merit and does not present a substantial question within the meaning of 28 U.S.C. § 753(f). Thus, any future motion seeking IFP status for an appeal will be denied.

IT IS SO ORDERED.

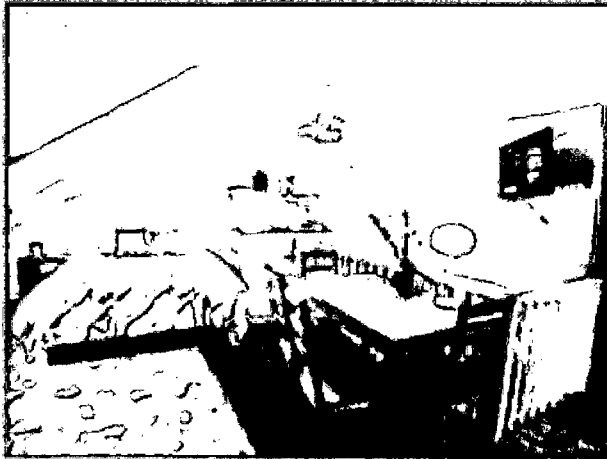
¹ The Court additionally notes that Plaintiff has not submitted a Notice of Appeal, despite request IFP status for an appeal.

Initials of Preparer

PMC

Your reservation is confirmed

You're going to Nelson's Cove



**Gorgeous "Nelson" Studio - Newly
Renovated Mansion**
Private room hosted by AGA

**Check-in is 3:00 PM - 5:00
PM**

Sunday, Aug 15, 2021

Check-out by 10:00 AM

Tuesday, Aug 24, 2021

(Exhibit B)

Thanks for Completing your Interview D index x



Gold Mountain Communications <noreply@rlys.com>
to me

Mon, Nov 15, 2021, 2:29 PM



Hello Courtney,

Thanks for completing your interview for the Sales Advisor 2021 position. Your responses will be reviewed shortly. Please make sure you have completed all interviews by clicking the link below.

<https://A3.rlys.com/57-07-35/517-268-876/>

Regards,

Gold Mountain Communications

(Exhibit C)

Invasion of Privacy Concern

09/13/2022

CV22-9271-SVW(RAOx)

Green v. The Walt Disney Company

Hello I write you this letter 09/13/2022 A day after the 2022 Emmy awards. I am contacting you regarding a matter that has been going on to my knowledge since 2020 and is now in the middle of its third year. It has been stated on multiple occasions that this has been going on longer. The issue at hand is invasion of privacy through the viewing of the television. I believe and have found this to be a huge concern and has aided in the stirring of major controversy. I write to you because 1 or more of the televisions devices that this has occurred through has been of the LG brand.

Since the 2020 post pandemic, there have been several occasions in which I have had continuous encounters with people from the television world ranging from news stations, sports, comedy shows, live entertainment, talk shows etc. During many of these encounters it has been expressed in many ways that they could physically see me through the tv rather it be by verbally stating the obvious or by show of glimpsing at my eyes point of view or implementing this in show criteria. This situation in some instances has had a very negative impact on my day to day living. Furthermore this is a direct breach of company policy and law to constantly monitor and survey someone without consent.

During this time I have reached out to network Corporate offices regarding this privacy breach as well as taken legal measures. While in the Entertainment industry this is seen as a joke, I take this matter very seriously and feel this is a

(Exhibit D)

<input type="checkbox"/> ☆ ➤ me	filling a suit - pursuing a suit/claim against a company. how ...	12/15/21
<input type="checkbox"/> ☆ ➤ J'ANA M. DIAMOND 2	Inbox Please call me to schedule an interview appointment - PDF EEOC Form ... PDF Fo PDF Supplemental In...	12/9/21
<input type="checkbox"/> ☆ ➤ me	filing a suit - Hello, My name is Courtney Green Im reaching...	12/3/21
<input type="checkbox"/> ☆ ➤ me, Assistant 2	Inbox filing a suit - Subject: filing a suit Hello Joseph, Do y...	11/30/21
<input type="checkbox"/> ☆ ➤ me	filing a suit - possibly discuss filing a defamation claim. I lov...	11/29/21
<input type="checkbox"/> ☆ ➤ me	filing a suit - Hello Scott, My name is Courtney Green. I'm r...	11/29/21
<input type="checkbox"/> ☆ ➤ me 2	filing a suit - interested in filing a suit against business. On ...	11/29/21



Courtney Green <green7126@gmail.com>

23-55358 Courtney Green v. Walt Disney Company "Dispositive Order Filed"

1 message

ca9_ecfnoticing@ca9.uscourts.gov <ca9_ecfnoticing@ca9.uscourts.gov>

Wed, Sep 27, 2023 at 6:43 PM

To: green7126@gmail.com

*****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.

United States Court of Appeals for the Ninth Circuit**Notice of Docket Activity**

The following transaction was entered on 09/27/2023 at 4:43:14 PM Pacific Daylight Time and filed on 09/27/2023

Case Name: Courtney Green v. Walt Disney Company

Case Number: 23-55358

Document(s): Document(s)

Docket Text:

Filed order (BRIDGET S. BADE, KENNETH K. LEE and LAWRENCE VANDYKE) : The district court certified that this appeal is not taken in good faith and denied leave to proceed in forma pauperis. See 28 U.S.C. § 1915(a). On April 20, 2023, the court ordered appellant to explain in writing why this appeal should not be dismissed as frivolous. See 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious). Upon a review of the record and the opening briefs, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. [5]) and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2). All other pending motions are denied as moot. No further filings will be entertained in this closed case. DISMISSED. [12800262] (RT)

Notice will be electronically mailed to:

Courtney Green: green7126@gmail.com

USDC, Los Angeles: cacd_appealfee@cacd.uscourts.gov

Honorable Stephen V. Wilson, District Judge: SVW_Chambers@cacd.uscourts.gov

The following document(s) are associated with this transaction:

Document Description: Main Document

Original Filename: 23-55358.pdf

Electronic Document Stamp:

[STAMP acecfStamp_ID=1106763461 [Date=09/27/2023] [FileNumber=12800262-0] [a06da604c0bb6e8780047d94bc49f3d9db6087d51384ab131919dcf4e073dc75449b6b88982320bcec864c196a6970094d6e6b4c588b910b64fb3c9a56279d7d]]

UNITED STATES DISTRICT COURT

for the

Central District of California

Courtney Green

Plaintiff

The Walt Disney company

Defendant

Civil Action No. 23-55358

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

The Walt Disney company

To:

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: {Live with Kelly and Ryan Show, Drew Barrymore, Kspr 33 6am-10am & 5pm-10pm, GMA, GMA3 What you need to know 5am-1pm (09/13/2021-02/14/2022), Dancing with the stars (10/03/2021-12/06/2021)}, American music awards (11/21/2021) 8pm, Espn (02/07/2022-04/28/2023), Emmy awards 2021 & 2022, KMBC9news

Place: 500 s buena vista st
Burbank, CA 91521

Date and Time:

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Courtney Green, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 23-55358

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

UNITED STATES DISTRICT COURT

for the

Central District of California

Courtney Green

Plaintiff

The Walt Disney company

Defendant

Civil Action No. 23-55358

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

The Walt Disney company

To:

(Name of person to whom this subpoena is directed)

☒ **Production:** **YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: Generation Gap (08/3/2022-11/14/2022), Supermarket sweep (November 2021& April-july 2023),Americas funniest videos (03/5/2023-05/26/2023),Press your luck july2022-september-2022,Tell The truth 07/18/2021

Place: 500-s buena vista st Burbank, CA 91521	Date and Time:
--	----------------

☐ **Inspection of Premises:** **YOU ARE COMMANDED** to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: _____

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Courtney Green, who issues or requests this subpoena, are:

Notice to the person who issues or requests this subpoena

A notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

Civil Action No. 23-55358

PROOF OF SERVICE

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I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named person as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:



Your reservation is confirmed



Gorgeous "Nelson" Studio - Newly
Renovated Mansion
Private room hosted by Alex



Check-in is 3:00 PM - 5:00
PM
Sunday, Jul 18, 2021
Get instructions

Checkout by 10:00 AM
Tuesday, Jul 20, 2021

Hello Courtney,

*Interview
Confirmation*

Thanks for completing your interview for the Sales Advisor 2021 position.
Your responses will be reviewed shortly. Please make sure you have
completed all information by clicking the link below

- | | | | | | | | |
|--------------------------|--|-------------------|---|---|----------------------------------|---|---------|
| <input type="checkbox"/> | | JANA M. D AMCND ? | <input type="checkbox"/> Please call me to schedule an interview appointment com... | <input type="checkbox"/> EEOC Form SA L... | <input type="checkbox"/> For ... | <input type="checkbox"/> Supplemental In... | 12/9/21 |
| <input type="checkbox"/> | | me | filing a suit | Hello, My name is Courtney Green I'm reaching to see... | | | 12/9/21 |
| <input type="checkbox"/> | | me Assistant ? | filing a suit | Subject: filing a suit Hello, Joseph, Do you have... | | | 11/9/21 |
| <input type="checkbox"/> | | me | filing a suit | possibly discuss filing a defamation claim. I love to ch... | | | 11/9/21 |
| <input type="checkbox"/> | | me | filing a suit | Hello Scott, My name is Courtney Green. I'm reaching ... | | | 11/9/21 |
| <input type="checkbox"/> | | me | filing a suit | Interested in filing a suit against business. On Mon, N... | | | 11/9/21 |

*Email sent (Filing A Suit)
To Attorney offices*

Supporting documents

*Green v. The Walt Disney Company
23-55356*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:22-cv-09271-SVW-RAO	Date	February 9, 2023
Title	Courtney Green v. The Walt Disney Company		

Present: The Honorable STEPHEN V. WILSON, U.S. DISTRICT JUDGE

Paul M. Cruz

N/A

Deputy Clerk

Court Reporter / Recorder

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

Proceedings: ORDER DISMISSING WITH PREJUDICE

Before the Court is a "motion to vacate order of dismiss and reinstate filed" by Plaintiff Courtney Green ("Plaintiff"), proceeding *pro se*. ECF No. 9. Because Plaintiff is *pro se*, the Court construes this motion as a motion for reconsideration of the Court's prior dismissal of his complaint.

The Court previously dismissed Plaintiff's claim with leave to amend, given that his complaint did not include specific allegations to satisfy the federal pleading standard. ECF No. 6. In his motion for reconsideration, Plaintiff points to another filing titled "Description of Claim/Statement of case," which includes more detailed factual allegations, which the Court previously did not consider. ECF No. 7. Accordingly, the Court reconsiders its decision and finds that dismissal with prejudice is warranted.

Plaintiff alleges that Defendant The Walt Disney Company ("Defendant") "exploited/extorted an electronic breach in a television platform/portal to openly monitor, listen, surveil [sic] and attempt to converse with plaintiff Courtney Green through the use of the television device." ECF No. 7 at 2. Plaintiff further claims that through this breach, Defendant "were able to conceal the act of exploitation, defamation [sic] and facilitate the exchange of information to the masses for the purpose of malice and slander towards the plaintiff therefore aiding in the act of racketeering." *Id.* Plaintiff lists several instances where he claims that individuals on the various talk shows noted that they could "physically" see Plaintiff and made comments about Plaintiff's person. *See generally Id.* at 5-9. From these allegations, Plaintiff makes a variety of unclear legal claims including a violation of the "American

Initials of Preparer

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:22-cv-09271-SVW-RAO	Date	
Title	Courtney Green v. The Walt Disney Company		

Data Privacy Protection Act", exploitation, and racketeering. *Id.* at 4, 11.

Under 28 U.S.C. § 1915(e)(2)(B)(i), a Court may sua sponte dismiss a claim seeking IFP status if the court determines that the action is "frivolous or malicious." A pleading is "factually frivolous", where "the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them." *Denton v. Hernandez*, 504 U.S. 25, 25-26 (1992). "[A] complaint, containing as it does both factual allegations and legal conclusions, is frivolous where it lacks an arguable basis either in law or in fact.... [The] term 'frivolous,' when applied to a complaint, embraces not only the inarguable legal conclusion, but also the fanciful factual allegation." *Meyer v. World Bank*, No. 319CV00017GPCJLB, 2019 WL 2009873, at *3 (S.D. Cal. May 7, 2019) (citing *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)).

Reviewed under this standard, Plaintiff's claims "rise to the level of the irrational or the wholly incredible." *Denton*, 504 U.S. at 33. It is simply not plausible that Defendant has engaged in surveillance of Plaintiff's life and has interacted with him through his television set. See *Fulkerson v. U.S. Secret Serv.*, No. 320CV00227RCJWGC, 2020 WL 5637974, at *2 (D. Nev. Aug. 18, 2020), report and recommendation adopted sub nom *Fulkerson v. U.S. Secret Serv.*, No. 320CV00227RCJWGC, 2020 WL 5633289 (D. Nev. Sept. 21, 2020) (finding that allegations that members of the military representing the Secret Service and DHA have stalked and harassed the plaintiff using the City of Reno's traffic monitoring system, the NASA UAV traffic monitoring system, and DHS's abilities to use privately surveillance and cellular towers to stalk the plaintiff via the plaintiff's cellular phone, internet connection and rental vehicles were frivolous); *Waldrop v. Dep't of Corr.*, No. CIV S-06-1260 DFL EFB P, 2006 WL 2926754, at *1-2 (E.D. Cal. Oct. 11, 2006) (dismissing as frivolous claims that prison placed radio transmitters in plaintiff's ears and used satellite transmissions to monitor him as an experiment for a web site because they "describ[ed] fantastic or delusional scenarios."); *Athans v. Starbucks Coffee Co.*, No. CV-06-1841-PHX-DGC, 2007 WL 1673883, at *2 (D. Ariz. June 11, 2007) (sua sponte dismissing as frivolous pro se litigant's complaint alleging a conspiracy of "illegal surveillance, undercover 'sting' operations, and [the] unlawful 'doping' of [Starbucks] beverages."). Accordingly, the action is DISMISSED with prejudice.

IT IS SO ORDERED.

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