#24-_____

**IN THE SUPREME COURT OF THE UNITED STATES**

Russell Rope,

*Petitioner,*

vs.

Facebook, Inc., Apple, Inc., Alphabet, Inc., Twitter, Inc.,
JPMorgan Chase & Co., & John Does 1 to 10,

*Respondents,*

On Petition for Writ of Habeas Corpus
The Supreme Court of the United States; Case #19-5616 & #20-5236
The United States Court of Appeals for the Ninth Circuit; Case #18-55782
District Court for the Central District of California; Case #2:17-cv-04921

**APPENDIX A**

Cover Sheet & Copy of Original 1 Page Justice Obstructing Order/Opinion of 9th Circuit

/s/ **RUSSELL ROPE** 01/03/2024
*Petitioner In Pro Per*
justice@russellrope.com
+1 (310) 663-7655

FILED

MAY 8 2019

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RUSSELL ROPE,

Plaintiff-Appellant,

v.

FACEBOOK, INC.; et al.,

Defendants-Appellees.

No. 18-55782

D.C. No.
2:17-cv-04921-MWF-PLA
Central District of California,
Los Angeles

ORDER

Before: LEAVY, BYBEE, and HURWITZ, Circuit Judges.

The filings at Docket Entry Nos. 28, 29, and 31 are construed as motions for reconsideration of this court's December 18, 2018 order.

Appellant's motions for reconsideration (Docket Entry No. 26, 27, 28, 29, and 31) of this court's December 18, 2018 order are denied. *See* 9th Cir. R. 27-10.

No further filings will be entertained in this closed case.

sz/MOATT

FILED

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

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Central District of California,
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ORDER

Before: LEAVY, BYBEE, and HURWITZ, Circuit Judges.

Upon a review of the record and the responses to the court's July 31, 2018 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 2), *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.

**DISMISSED.**

sz/MOATT

#24-_____

**IN THE SUPREME COURT OF THE UNITED STATES**

Russell Rope,

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District Court for the Central District of California; Case #2:17-cv-04921

**APPENDIX B**

Cover Sheet & Copy of Justice Obstructing Order/Opinion(s) of Central District Post FAC

/s/ **RUSSELL ROPE** 03/01/2024
*Petitioner In Pro Per*
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incorporated into the FAC. (Docket No. 237). The Court considers the exhibits as necessary to determine the Motions; the request is **GRANTED**.

Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, the Court determined that the Motions were appropriate for submission on the papers, and vacated the hearing set for May 14, 2018. (Docket No. 246). The Court has read and considered the papers filed on the Motions, and for the reasons set forth below, the JPMorgan Motion and the Tech Motion are both **GRANTED *without leave to amend***. Plaintiff's FAC suffers from the same defects as his initial Complaint.

## I. DISCUSSION

***First***, like the initial Complaint, the FAC fails to meet the requirements of Rule 8 of the Federal Rules of Civil Procedure. The initial Complaint was 100 pages long (without the 66 exhibits), and contained 310 paragraphs of "rambling, unrelated allegations against the named Defendants as well as his doctors, strangers on the street, law enforcement officers, doormen at night clubs, his brothers, his landlords, and myriad other companies and individuals." (Order re Motions to Dismiss at 7 (Docket No. 114)). In the Court's prior Order granting Defendants' Motions to Dismiss the Complaint, the Court afforded Plaintiff ***one*** opportunity to "remove excessive redundancy, allegations irrelevant to the claims for relief, and conclusory or excessively argumentative allegations" such that the amended Complaint conformed to the Rule 8. (*Id.*).

Plaintiff has failed to comply with the Court's directives in this regard. The FAC is now 126 pages (without exhibits) and contains 365 paragraphs in which Plaintiff doubles down on the conclusory, unrelated allegations asserted in the initial Complaint. The allegations in the FAC do no more to put Defendants on notice of the nature of the claims against them than did the allegations in the initial Complaint. Indeed, Plaintiff's failure to comply – or even attempt to comply – with the Court's order is itself reason to dismiss the FAC. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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ORDER

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All other pending motions are denied as moot.

**DISMISSED.**

sz/MOATT

FILED

MAY 8 2019

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

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RUSSELL ROPE,

Plaintiff-Appellant,

v.

FACEBOOK, INC.; et al.,

Defendants-Appellees.

No. 18-55782

D.C. No.
2:17-cv-04921-MWF-PLA
Central District of California,
Los Angeles

ORDER

Before: LEAVY, BYBEE, and HURWITZ, Circuit Judges.

The filings at Docket Entry Nos. 28, 29, and 31 are construed as motions for reconsideration of this court's December 18, 2018 order.

Appellant's motions for reconsideration (Docket Entry No. 26, 27, 28, 29, and 31) of this court's December 18, 2018 order are denied. *See* 9th Cir. R. 27-10.

No further filings will be entertained in this closed case.

sz/MOATT

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA JS-6

CIVIL MINUTES—GENERAL

**Case No. CV17-04921-MWF (PLAx)** **Date: May 14, 2018**
Title: Russell Rope -*v*- Facebook, Inc., et al.

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

| Deputy Clerk: | Court Reporter: |
|---|---|
| Rita Sanchez | Not Reported |
| **Attorneys Present for Plaintiff:** | **Attorneys Present for Defendant:** |
| None Present | None Present |

**Proceedings (In Chambers):** ORDER GRANTING MOTIONS TO DISMISS [222] [224]; PLAINTIFF'S VARIOUS REQUESTS RE: MOTIONS [237] [242] [243] [244] [245]

Before the Court are two motions to dismiss Pro Se Plaintiff Russell Rope's First Amended Complaint ("FAC"), which was filed on February 19, 2018. (Docket No. 136). Defendant JPMorgan Chase Bank, N.A. ("JPMorgan"), filed a Motion to Dismiss (the "JPMorgan Motion") on March 16, 2018. (Docket No. 222). Plaintiff filed an Opposition on April 23, 2018 (Docket No. 238), to which JPMorgan replied on April 30, 2018. (Docket No. 240).

On March 19, 2018, Defendants Apple Inc., Facebook, Inc., Alphabet, Inc., and Twitter, Inc. (together, "Tech Defendants") also filed a Motion to Dismiss (the "Tech Motion"). (Docket No. 224). Plaintiff filed an Opposition on April 23, 2018 (Docket No. 239), and the Tech Defendants filed a Reply on April 30, 2018. (Docket No. 241).

Plaintiff also sought leave to file sur-replies to JPMorgan's and the Tech Defendants' Replies. (Docket Nos. 242, 243, 244, 245). Those requests are **DENIED**. Plaintiff already filed over-sized Oppositions of at least 50 pages each to each Motion, and the proposed sur-replies are not necessary for the Court's determination of the Motions.

In connection with his Oppositions, Plaintiff also requested that the Court consider all of the exhibits filed in connection with his initial Complaint as

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

**Case No. CV17-04921-MWF (PLAx)** **Date: May 14, 2018**
Title: Russell Rope -v- Facebook, Inc., et al.

incorporated into the FAC. (Docket No. 237). The Court considers the exhibits as necessary to determine the Motions; the request is **GRANTED**.

Pursuant to Rule 78 of the Federal Rules of Civil Procedure and Local Rule 7-15, the Court determined that the Motions were appropriate for submission on the papers, and vacated the hearing set for May 14, 2018. (Docket No. 246). The Court has read and considered the papers filed on the Motions, and for the reasons set forth below, the JPMorgan Motion and the Tech Motion are both **GRANTED *without leave to amend***. Plaintiff's FAC suffers from the same defects as his initial Complaint.

## I. DISCUSSION

***First***, like the initial Complaint, the FAC fails to meet the requirements of Rule 8 of the Federal Rules of Civil Procedure. The initial Complaint was 100 pages long (without the 66 exhibits), and contained 310 paragraphs of "rambling, unrelated allegations against the named Defendants as well as his doctors, strangers on the street, law enforcement officers, doormen at night clubs, his brothers, his landlords, and myriad other companies and individuals." (Order re Motions to Dismiss at 7 (Docket No. 114)). In the Court's prior Order granting Defendants' Motions to Dismiss the Complaint, the Court afforded Plaintiff ***one*** opportunity to "remove excessive redundancy, allegations irrelevant to the claims for relief, and conclusory or excessively argumentative allegations" such that the amended Complaint conformed to the Rule 8. (*Id.*).

Plaintiff has failed to comply with the Court's directives in this regard. The FAC is now 126 pages (without exhibits) and contains 365 paragraphs in which Plaintiff doubles down on the conclusory, unrelated allegations asserted in the initial Complaint. The allegations in the FAC do no more to put Defendants on notice of the nature of the claims against them than did the allegations in the initial Complaint. Indeed, Plaintiff's failure to comply – or even attempt to comply – with the Court's order is itself reason to dismiss the FAC. *See Ferdik v. Bonzelet*, 963 F.2d 1258, 1260

(9th Cir. 1992) (stating that district court may dismiss action for failure to comply with any order of the court).

Again, it is not the Court's responsibility to "expend time and effort searching through large masses of conclusory, argumentative, evidentiary and other extraneous allegations in order to discover whether the essentials of claims asserted can be found in such a mélange." *Jacobson v. Schwartzenegger*, 226 F.R.D. 395, 397 (C.D. Cal. 2005) (citation omitted) (dismissing 200-page complaint for failure to comply with Rule 8); *Hatch v. Reliance Ins. Co.*, 758 F.2d 409, 415 (9th Cir. 1985) (affirming district court's dismissal of complaints that "exceeded 70 pages in length, were confusing and conclusory, and not in compliance with Rule 8"); *McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir. 1996) (affirming dismissal of complaint that was "argumentative, prolix, replete with redundancy, and largely irrelevant").

***Second***, as with the initial Complaint, it appears that at least some, if not all, of Plaintiff's claims are barred by the doctrine of res judicata, although the confusing nature of the FAC makes it impossible for the Court to determine conclusively that the claims are barred. In the FAC, Plaintiff himself refers to and incorporates by reference his multiple prior actions in federal and state court against Defendants. (*See, e.g.*, FAC ¶¶ 41, 85, 321). Regardless of how Plaintiff now styles his claims for relief, even he acknowledges that they are based on the same facts and issues – for example, JPMorgan's allegedly wrongful closing of Plaintiff's bank account, theft of his money, and attempts to thwart his job searches. The "true inquiry" for res judicata purposes is whether the "claims arose from the same transactional nucleus of facts." *United States v. Liquidators of European Fed. Credit Bank*, 630 F.3d 1139, 1151 (9th Cir. 2011); *Turtle Island Restoration Network v. U.S. Dep't of State*, 673 F.3d 914, 918 (9th Cir. 2012) (holding that where claims arise out of "same transactional nucleus of facts" res judicata may apply even if actions present different legal claims).

In the Court's prior Order dismissing the Complaint, the Court ordered Plaintiff to amend his Complaint to ensure that it raised "only claims that have not already been dismissed on the merits" in Plaintiff's prior actions against Defendants. (Order re Motions to Dismiss at 10). Although the Court does not conclusively determine

which claims are barred by res judicata – nor does it need to do so, in light of its determination that the FAC fails under Rule 8 – it is apparent that Plaintiff has not complied with the Court's instructions with respect to amending his Complaint.

***Third***, Defendants correctly argue that no one of Plaintiff's 22 claims is properly pled. Although the Court need not reach this issue in light of its conclusion under Rule 8, it is apparent that Plaintiff's claims fail under Rule 12(b)(6) as well. For example, 11 of Plaintiff's claims are brought pursuant to the California Penal Code or federal criminal statutes that do not create private rights of action. (*See* JPMorgan Mot. at 12-15; Tech Mot. at 16-20). In his Opposition to the JPMorgan Motion, Plaintiff admits he is not seeking liability pursuant to these claims, and instead pleads them as "prerequisite[s]" for the alleged RICO conspiracy. (Opp. at 25).

In another example, Plaintiff's various fraud claims (fraud, computer fraud, wire fraud, and mail fraud) all fail to meet the heightened pleading standards of Rule 9(b). "Rule 9(b) demands that, when averments of fraud are made, the circumstances constituting the alleged fraud be specific enough to give defendants notice of the particular misconduct so that they can defend against the charge[.]" *Vess v. Ciba-Geigy Corp. USA*, 317 F.3d 1097, 1106 (9th Cir. 2003) (internal citations omitted). Under Rule 9(b), fraud allegations must include the "time, place, and specific content of the false representations as well as the identities of the parties to the misrepresentations." *Swartz v. KPMG LLP*, 476 F.3d 756, 764 (9th Cir. 2007) (citing *Edwards v. Marin Park, Inc.*, 356 F.3d 1058, 1066 (9th Cir. 2004)). In his Opposition to the Tech Motion, Plaintiff points to the timeline in Exhibit 39 and the "broad factual allegations stated throughout the body of the complaint" as satisfying this heightened standard. (Opp. at 27). But Exhibit 39 is a long list of vague, cryptic line items such as "Loan Fraud" and "Continuous Housing Fraud++ @ Hollywood". Neither Exhibit 39 nor the allegations in the FAC state the necessary time, place, specific content, or specific parties involved in any misrepresentations.

In response to the Court's grant of leave to amend the initial Complaint, Plaintiff ignored the Court's directives regarding Rule 8 and res judicata. It is apparent that permitting Plaintiff another opportunity to amend would be futile. *See,*

*e.g.*, *Plumeau v. School Dist. No. 40 County of Yamhill*, 130 F.3d 432, 439 (9th Cir. 1997) (affirming district court's denial of leave to amend where "any such amendment would have been futile"); *Hawkins v. Thomas*, No. EDCV 09-1862 JST (SS), 2012 WL 1944828, at *1-2 (C.D. Cal. May 29, 2012) (dismissing pro se plaintiff's complaint with prejudice where "the dismissed claims could not be cured by any amendment"). Plaintiff acknowledges as much in his Opposition to the Tech Motion, stating, "Further amendment of the FAC at this point would mostly be a waste of time." (Opp. at 53).

## II. CONCLUSION

Accordingly, the Motions are **GRANTED *without leave to amend***.

This Order shall constitute notice of entry of judgment pursuant to Federal Rule of Civil Procedure 58. Pursuant to Local Rule 58-6, the Court **ORDERS** the Clerk to treat this Order, and its entry on the docket, as an entry of judgment.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

**Case No. CV17-04921-MWF (PLAx)** **Date: December 20, 2017**
Title: Russell Rope -v- Facebook, Inc., et al.

Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge

| Deputy Clerk: | Court Reporter: |
|---|---|
| Rita Sanchez | Not Reported |

| Attorneys Present for Plaintiff: | Attorneys Present for Defendant: |
|---|---|
| None Present | None Present |

**Proceedings (In Chambers):** ORDER RE MOTIONS TO DISMISS [67] [88]; PLAINTIFF'S VARIOUS REQUESTS RE MOTIONS [85] [94] [111] [112]

Before the Court are two motions to dismiss. Defendant JPMorgan Chase Bank, N.A. ("JPMorgan"), filed a Motion to Dismiss Complaint (the "JPMorgan Motion") on August 29, 2017. (Docket No. 67). Pro Se Plaintiff Russell Rope filed an Opposition on September 8, 2017 (Docket No. 76), to which JPMorgan replied on September 29, 2017. (Docket No. 92). Plaintiff filed an unsolicited Response in Opposition to that Reply on October 30, 2017. (Docket No. 105).

On September 28, 2017, Defendants Apple Inc., Facebook, Inc., Alphabet, Inc., and Twitter, Inc. (together, "Apple Defendants") also filed a Motion to Dismiss (the "Apple Motion"). (Docket No. 88). Plaintiff did not timely file an Opposition to the Apple Motion, as the Apple Defendants point out in their Response in Support of Motion to Dismiss, filed on October 13, 2017. (Docket No. 98). After the Apple Defendants' Response was filed, Plaintiff filed what appears to be an Opposition, also dated October 13, 2017. (Docket No. 100). He filed another Opposition on October 30, 2017. (Docket No. 108).

The Court determined that these Motions were appropriate for submission on the papers without oral argument, and vacated the hearings on the Motions. (*See* Docket No. 103).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

**Case No. CV17-04921-MWF (PLAx)** **Date: December 20, 2017**
Title: Russell Rope -*v*- Facebook, Inc., et al.

Under Local Rule 7-12, Plaintiff's failure to file an Opposition in response to the Apple Motion within the deadline may be deemed consent to the granting of the Apple Motion. However, as the Court indicated in its Order Denying Plaintiff's Ex Parte Application, dated October 30, 2017, the Court will consider all the papers filed on the Motions, including Plaintiff's untimely and unsolicited additional filings. (Order Denying Ex Parte Application at 2 (Docket No. 109)).

For the reasons set forth below, the Court **GRANTS** the JPMorgan Motion and the Apple Motion ***with leave to amend.*** The Complaint fails to comply with the pleading requirements of Federal Rule of Civil Procedure 8. Moreover, although the Court cannot determine it conclusively at this time due to the confusing nature of the Complaint, it appears that Plaintiff has already brought similar actions in state and federal court against the same defendants, such that his claims in this action are barred by res judicata.

Plaintiff also filed various other requests related to the Motions: Request for Order and Explanation (Docket No. 85); Request and Notice of Opposition (Docket No. 94); Request for Order for Opposition Against Defendants' Motions to Dismiss (Docket No. 111); and another Request for Order for Opposition Against Defendants' Motions to Dismiss. (Docket No. 112). These Requests are all **DENIED as moot.**

## I. BACKGROUND

Plaintiff initiated this action in July 2017 against Defendants JPMorgan Chase Bank, N.A., Apple Inc., Facebook, Inc., Alphabet, Inc., and Twitter, Inc. (*See* Complaint (Docket No. 17)). The 166-page Complaint contains 310 paragraphs, 66 exhibits and sets forth 20 claims for relief against all Defendants, each of which incorporates all the preceding paragraphs: (1) RICO violation of 18 U.S.C. § 1962(c); (2) RICO conspiracy of 18 U.S.C. § 1962(d); (3) fraud; (4) computer fraud; (5) wire fraud; (6) criminal threats; (7) obscene, threatening, and annoying communications; (8) stalking; (9) assault and battery; (10); espionage; (11) theft of trade secrets; (12) obstruction of justice; (13) false imprisonment; (14) perjury; (15) grand theft &

robbery; (16) defamation; (17) unfair competition; (18) intentional infliction of emotional distress; (19) cybersquatting; (20) employment discrimination.

Plaintiff describes this action as "a mashup and major update of three separate but connected and originally incorrectly filed cases." (Compl. ¶ 1). He alleges that Defendants are "criminals breaking the law not limited to abusing power Internet and technology corporations to defraud Plaintiff of life, freedom, business, a domain name, and perssonal relationships [sic]." (*Id.*). Essentially, Plaintiff claims that "Defendants engaged in a multi-district conspiracy to defraud Plaintiff of money and property." (*Id.* ¶ 11). Plaintiff refers to Defendants as the "Bad Karma Enterprise" (*Id.* ¶ 13), and alleges they have been "terrorizing" Plaintiff for over a decade. (*Id.* ¶ 35). It appears that the conspiracy reached all aspects of Plaintiff's life.

The Defendants have allegedly "attempt[ed] to steal, sabotage, and control business [and] gone so low as to interfere with personal relations." (Compl. ¶ 30). Defendant JPMorgan is allegedly withholding money after tricking Plaintiff into signing an indemnity agreement, and engaged in employment discrimination by removing job postings from its website before Plaintiff could apply to them. (*Id.* ¶¶ 33, 84–86). Defendant Facebook and its subsidiary, Instagram, are sabotaging Plaintiff's accounts by interfering with friend requests and censoring posts, and is "get[ing] away with cyber murder over and over." (*Id.* ¶¶ 50, 52, 53). Apple has disabled Plaintiff's accounts and webpages and interfered with his smart phone connectivity and social media life. (*Id.* ¶ 51). Defendant Alphabet and its subsidiaries likewise have terminated and sabotaged Plaintiff's accounts. (*Id.* ¶ 54). Defendant Twitter is also accused of "name and number hacks including cryptic message harassment such as modifying URLs or hyper links in tweets to form harassing messages." (*Id.* ¶ 55).

Plaintiff appears to allege that Defendants have somehow conspired to steal the "rise.com" domain name that Plaintiff intended to purchase by leaking the name to people in the entertainment industry, even though Plaintiff had only told a few family members about his intentions. (Compl. ¶¶ 65–76). Now, despite Plaintiff's secrecy, the word "rise" is appearing in various movies, television shows, and advertisements.

(*Id.*). People have allegedly attempted to kill Plaintiff in attempts to steal this domain name. (*Id.* ¶ 149). Defendants are alleged to have gained access to Plaintiff's unpublished book, from which they are stealing trade secrets. (*Id.* ¶ 90).

Plaintiff alleges that Defendants are hacking his equipment to spy on him and stalk him, to sexually harass him, and to engage in sex trafficking. (Compl. ¶¶ 56, 58). He also alleges he is being physically "stalked . . . all around tinsel town" by females who wear clothes with threatening messages, cars with Florida license plates, and Australians. (*Id.* ¶¶ 114–17). Plaintiff also alleges that a series of car accidents are a part of the conspiracy orchestrated by Defendants. (Compl. ¶¶ 123–26).

The conspiracy is also alleged to involve health care fraud extending back to Plaintiff's birth in 1982. (Compl. ¶ 109). Defendants are accused of "using dermatology and other health care related fraud to control the Plaintiff; to trap the Plaintiff in his own skin." (*Id.*). Doctors are accused of "aging" Plaintiff, making him wait in examination rooms, and prescribing medication with dangerous side effects. (*Id.* ¶ 110–12).

Plaintiff lists "additional problems," including "Google Maps/iPhone Hack", "Car Computer Hack False System Malfunction Errors", "Pharmacy and Doctor Office Harassment", "License Plate Stalking Hacks", and "Food, Gas Station, and Entertainment Hacks". (*Id.* ¶ 61). Plaintiff also makes allegations against parties not named as Defendants in the action, such as PayPal, Spotify, Comm100, Mail Chimp, Uber, Model Mayhem, and AirBnb, as well as door men at night clubs, law enforcement officers, the court system, the EEOC, Plaintiff's family members, and Plaintiff's landlords and roommates. (*Id.* ¶¶ 60, 78, 80–83, 103–5. 113–15, 123–26, 129–41). Plaintiff also suggest that Facebook CEO Mark Zuckerberg, Apple CEO Tim Cook, and Twitter CEO Jack Dorsey are involved directly in the conspiracy. (*Id.* ¶¶ 152, 154, 157). Plaintiff further alleges that Defendants are publishing fake news online and on television to control Plaintiff. (Compl. ¶ 108).

The JPMorgan Motion seeks dismissal of the Complaint pursuant to Rule 12(b)(6) and the doctrine of res judicata. The Apple Motion also seeks dismissal pursuant to Rule 12(b)(6) and res judicata, as well as Rule 8.

## II. FAILURE TO STATE A CLAIM

### A. Legal Standard

"Dismissal under Rule 12(b)(6) is proper when the complaint either (1) lacks a cognizable legal theory or (2) fails to allege sufficient facts to support a cognizable legal theory." *Somers v. Apple, Inc.*, 729 F.3d 953, 959 (9th Cir. 2013). "Federal Rule of Civil Procedure 8(a)(2) requires only 'a short and plain statement of the claim showing that the pleader is entitled to relief,' in order to 'give the defendant fair notice of what the . . . claim is and the grounds upon which it rests . . . .'" *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)).

In ruling on the Motion under Rule 12(b)(6), the Court follows *Bell Atlantic* and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). "To survive a motion to dismiss, a complaint must contain sufficient factual matter . . . to 'state a claim to relief that is plausible on its face.'" *Iqbal*, 556 U.S. at 678 (quoting *Twombly*, 550 U.S. at 570). The Court must disregard allegations that are legal conclusions, even when disguised as facts. *See id.* at 681 ("It is the conclusory nature of respondent's allegations, rather than their extravagantly fanciful nature, that disentitles them to the presumption of truth."); *Eclectic Properties E., LLC v. Marcus & Millichap Co.*, 751 F.3d 990, 996 (9th Cir. 2014). "Although 'a well-pleaded complaint may proceed even if it strikes a savvy judge that actual proof is improbable,' plaintiffs must include sufficient 'factual enhancement' to cross 'the line between possibility and plausibility.'" *Eclectic Properties*, 751 F.3d at 995 (quoting *Twombly*, 550 U.S. at 556–57) (internal citations omitted).

The Court must then determine whether, based on the allegations that remain and all reasonable inferences that may be drawn therefrom, the complaint alleges a

plausible claim for relief. *See Iqbal*, 556 U.S. at 679; *Cafasso, U.S. ex rel. v. Gen. Dynamics C4 Sys., Inc.*, 637 F.3d 1047, 1054 (9th Cir. 2011). "Determining whether a complaint states a plausible claim for relief is 'a context-specific task that requires the reviewing court to draw on its judicial experience and common sense.'" *Ebner v. Fresh, Inc.*, 838 F.3d 958, 963 (9th Cir. 2016) (quoting *Iqbal*, 556 U.S. at 679). Where the facts as pleaded in the complaint indicate that there are two alternative explanations, only one of which would result in liability, "plaintiffs cannot offer allegations that are merely consistent with their favored explanation but are also consistent with the alternative explanation. Something more is needed, such as facts tending to exclude the possibility that the alternative explanation is true, in order to render plaintiffs' allegations plausible." *Eclectic Properties*, 751 F.3d at 996–97; *see also Somers*, 729 F.3d at 960.

**B. Discussion**

Apple Defendants argue that the Complaint fails to satisfy Rule 8's basic notice requirements. (Apple Mot. at 6). Rule 8 requires pleadings to contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2).

A court may dismiss a complaint "for failure to satisfy Rule 8 if it is so confusing that 'its true substance, if any, is well disguised.'" *Bailey v. BAC Home Loan Serv., LP*, No. CV 11-648-LEK (BMKx), 2012 WL 589414, at *1 (D. Haw. Feb. 12, 2012) (quoting *Hearns v. San Bernardino Police Dep't*, 530 F.3d 1124, 1131 (9th Cir. 2008). Indeed, the Ninth Circuit has affirmed dismissal of excessively long, redundant, and confusing complaints for failure to comply with Rule 8. *See, e.g., McHenry v. Renne*, 84 F.3d 1172, 1178 (9th Cir. 1996) (affirming dismissal of complaint that was "argumentative, prolix, replete with redundancy, and largely irrelevant"); *Carrigan v. Cal. State Legislature*, 263 F.2d 560, 566 (9th Cir. 1959) (affirming dismissal of a 150-page complaint describing plaintiff's thoughts, worries, hearsay conversations, frustrations and difficulties with doctors and insurance companies, and medical reports); *Nevijel v. North Coast Life Ins. Co.*, 651 F.2d 671, 675 (9th Cir. 1981) (affirming dismissal of complaint that was "verbose, confusing

and almost entirely conclusory"); *Hatch v. Reliance Ins. Co.*, 758 F.2d 409, 415 (9th Cir. 1985) (affirming district court's dismissal of complaints that "exceeded 70 pages in length, were confusing and conclusory, and not in compliance with Rule 8");

District Courts regularly dismiss complaints containing indecipherable claims for relief. *See, e.g., United States ex rel. Mateski v. Raytheon Co.*, No. CV 06-3614-ODW (KSx), 2017 WL 1954942 (C.D. Cal. Feb. 10, 2017) (dismissing with leave to amend 134-page, undecipherable complaint); *Adams v. California*, No. CV 02-5419-CRB, 2003 WL 202638, at *3 (N.D. Cal. Jan 24, 2003) (dismissing claims with prejudice where "Plaintiff has not stated a coherent claim against any of the defendants"); *George v. Dutcher*, No. CV 16-679-RCJ (VPCx), 2017 WL 1393064, at *2 (D. Nev. Feb. 28, 2017) ("[P]laintiff's largely incomprehensible narrative makes it nearly impossible for the court to identify the factual or legal basis for her claims or the nature of her requested relief.").

Here, Plaintiff's Complaint is 166 pages long, and filled with rambling, unrelated allegations against the named Defendants as well as his doctors, strangers on the street, law enforcement officers, doormen at night clubs, his brothers, his landlords, and myriad other companies and individuals. Plaintiff includes every slight and setback he has encountered in the last several years in the Complaint, claiming that they are all part of one conspiracy. He attaches 66 exhibits which only add to the confusion. For example, Exhibits 1 and 2 to the Complaint are lists of other suspected conspirators, ranging from Plaintiff's high school and college classmates and his siblings to attorneys he has contacted and companies like AT&T and MySpace. (Docket Nos. 17-13, 17-4). Exhibit 4 appears to be a collage of appearances of the number "187" in Plaintiff's social media pages. (Docket No. 17-6).

It is neither Defendants' nor the Court's responsibility to "expend time and effort searching through large masses of conclusory, argumentative, evidentiary and other extraneous allegations in order to discover whether the essentials of claims asserted can be found in such a mélange." *Jacobson v. Schwartzenegger*, 226 F.R.D. 395, 397 (C.D. Cal. 2005) (citation omitted) (dismissing 200-page complaint with leave to amend for failure to comply with Rule 8). Plaintiff's conclusory assertion

that "Rule 8 does not apply" because Plaintiff did provide short and plain statements (Docket No. 108) does not make it so.

The Motions are therefore **GRANTED**. The Court will permit Plaintiff one opportunity to amend his Complaint to remove excessive redundancy, allegations irrelevant to the claims for relief, and conclusory or excessively argumentative allegations. Because the Court concludes that the Complaint fails to meet the requirements of Rule 8, it does not reach Defendants' arguments regarding why the Complaint fails to state each of the 20 claims for relief, which in any case appear to largely point to the conclusory, vague, and confusing nature of the allegations. Defendants may raise these arguments again in response to Plaintiff's First Amended Complaint, if there is one.

## III. RES JUDICATA

Both Motions argue that some of Plaintiffs' claims are barred by res judicata. (JPMorgan Mot. at 5–7; Apple Mot. at 7 n.3). Under the doctrine of res judicata, "a final judgment on the merits bars further claims by parties or their privies based on the same cause of action." *In re Schimmels*, 127 F.3d 875, 881 (9th Cir. 1997). The doctrine precludes a party from re-litigating (1) the same claim, (2) against the same party, (3) when that claim proceeded to a final judgment on the merits in a prior action." *MHC Fin. Ltd. P'ship v. City of San Rafael*, 714 F.3d 1118, 1125 (9th Cir. 2013). Federal courts are required to give state court judgments the same preclusive effect they would be given by other courts in that state. *Brodheim v. Cry*, 584 F.3d 1262, 1268 (9th Cir. 2009).

JPMorgan argues that, although Plaintiff's Complaint in this action contains 20 vague claims for relief, the factual allegations against JPMorgan are the same as the allegations in Plaintiff's state court action, filed in 2016: *Russell Rope v. JP Morgan Chase & Co.*, Case No. BC608501. Essentially, both actions alleged that JPMorgan closed Plaintiff's account, withheld his money, tried to force him to sign an indemnity agreement, and engaged in employment discrimination. (JPMorgan Mot. at 6, Ex. A). The superior court sustained JPMorgan's demurrer in that action, which was based on

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

**Case No. CV17-04921-MWF (PLAx)** **Date: December 20, 2017**
Title: Russell Rope -v- Facebook, Inc., et al.

Plaintiff's failure to state a claim upon which relief could be granted. The case was subsequently dismissed with prejudice. (*See id.*, Exs. B, D, and E).

Likewise, the Apple Defendants argue that to the extent Plaintiff's allegations in this Complaint are based on the same facts and evidence alleged in his prior state court action against Apple and its CEO, Facebook and its CEO, Alphabet, and Twitter, which was dismissed in its entirety without leave to amend, the current claims are barred by res judicata. (Apple Mot. at 6–7, n.3). The similar state court action, *Russell Rope v. Apple, Inc., et al.*, Case No. BC607769, was filed in 2016. (*See id.*, Ex. B). In 2014, Plaintiff also attempted to file a similar case in federal court against the same defendants as the current action (excepting JPMorgan). That case, *Russell Rope v. Facebook, Inc., et al.*, Case No. 2:14-cv-04900 (C.D. Cal), was dismissed in its entirety by the Magistrate Judge for failure to state a claim upon which relief could be granted. (*Id.*, Ex. A at 10 ("Plaintiff's Complaint contains conclusory allegations but not specific facts to support a claim of conspiracy.").

Plaintiff himself refers to and incorporates by reference all of the prior actions described above. He acknowledges that "[t]his case was originally filed incorrectly as three individual cases. It now makes most sense to refile as a single new case." He appears to think that by filing this case and paying the filing fee, he "bypass[ed] the previously false frivolous case block, which is allegedly a trick used against poor pro se litigants legitimately filing in forma pauperis." (Compl. ¶ 41). He says this action is "most similar" to the 2014 federal action against Facebook, et al. (*Id.* ¶ 45). He attaches that federal court complaint as Exhibit 41 to the Complaint. (Docket No. 17-43). He also references the state court action against JPMorgan throughout the Complaint, even incorporating it by reference as Exhibit 45 to the Complaint. (*See* Compl. ¶¶ 41, 85, 264).

Plaintiff argues in Opposition to the JPMorgan Motion that res judicata cannot apply because Defendants "basically kidnapped Plaintiff thereby making him unable to attend court." (Opp. at 2). This allegations is irrelevant to the three elements of res judicata, listed above. He further asserts that res judicata does not apply because the Complaint in this action is "brought under a different title and with a lot of new

subject matter." (*Id.*). This, too, may not be relevant to the application of res judicata. The "true inquiry" for res judicata purposes is whether the "claims arose from the same transactional nucleus of facts." *United States v. Liquidators of European Fed. Credit Bank*, 630 F.3d 1139, 1151 (9th Cir. 2011); *Turtle Island Restoration Network v. U.S. Dep't of State*, 673 F.3d 914, 918 (9th Cir. 2012) (holding that where claims arise out of "same transactional nucleus of facts" res judicata may apply even if actions present different legal claims).

He further suggests that res judicata should not apply because he was "fraudulently denied his rights" and because the prior courts made "bad decisions." (Opp. at 2, 3). The remedy for Plaintiff's dissatisfaction with any prior rulings would have been to file motions to vacate the judgment or for reconsideration, or to appeal the decisions, not to re-plead the same allegations in a new Complaint.

Although the confusing nature of the allegations of the Complaint make it impossible to determine conclusively that this action is barred by res judicata, it appears highly likely that at least some of the claims are so barred. To the extent Plaintiff chooses to amend his Complaint to comply with Rule 8, as described above, he must also ensure that his Complaint raises only claims that have not already been dismissed on the merits. That Plaintiff may not agree with the decisions of the courts in the prior actions is irrelevant to their preclusive effect in this action, and he may not raise the same allegations again here.

## IV. CONCLUSION

Accordingly, the Motions are **GRANTED *with leave to amend***. Although the Court doubts Plaintiff can state a non-frivolous claim that is not barred by res judicata, Plaintiff may file a First Amended Complaint, if any, consistent with the Court's instructions above on or before **January 16, 2018**.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

**Case No. CV17-04921-MWF (PLAx)** **Date: December 20, 2017**
Title: Russell Rope -*v*- Facebook, Inc., et al.

The Court notes that a party to this lawsuit does not have a lawyer. Parties in court without a lawyer are called "pro se litigants." These parties often face special challenges in federal court. Public Counsel runs a free Federal Pro Se Clinic at the Los Angeles federal courthouse where pro se litigants can get information and guidance. The clinic is located in Room G-19, Main Street Floor, of the United States Courthouse, 312 North Spring Street, Los Angeles, California 90012. For more information, litigants may call (213) 385-2977 (x 270) or they may visit the Pro Se Home Page found at http://prose.cacd.uscourts.gov/federal-pro-se-clinics . Clinic information is found there by clicking "Pro Se Clinic - Los Angeles".

#24-_____

**IN THE SUPREME COURT OF THE UNITED STATES**

Russell Rope,

*Petitioner,*

vs.

Facebook, Inc., Apple, Inc., Alphabet, Inc., Twitter, Inc.,
JPMorgan Chase & Co., & John Does 1 to 10,

*Respondents,*

On Petition for Writ of Habeas Corpus
The Supreme Court of the United States; Case #19-5616 & #20-5236
The United States Court of Appeals for the Ninth Circuit; Case #18-55782
District Court for the Central District of California; Case #2:17-cv-04921

**APPENDIX C**

Cover Sheet for copy of most recent cease, desist, & demand letter

The attached document contains a list of recent & ongoing violations

/s/ **RUSSELL ROPE** 03/01/2024
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+1 (310) 663-7655

Russell Rope
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justice@russellrope.com
*Plaintiff In Pro Per*

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

RUSSELL ROPE,
PLAINTIFF,

VS.

JOHN DOES 1 TO 10,
DEFENDANTS

***OCTOBER 2022***

Case # $121B + rise.com + Mountain

**CEASE & DESIST & DEMAND**
**PRE-FILING SETTLEMENT OFFER**

*Then Binding & for Purpose of Discovery; Agreed Upon*

**::::::: CIVIL COMPLAINT :::::::**
**Racketeer Influenced & Corrupt Organizations Act (RICO)**
18 USC §1964(a)(c); etc.



**In Brief:** Give Plaintiff "the loot" as defined, receive equity, and evade capture.

Twitter Support; Similar to Apple App Store, Google Play is Responsible for Third Party (Mainstream) Hack App Distribution

- **Twitter:** Not Limited to: WC Twitter Account Suspension(s); Feed Programming / Attempted Mind Control; Number/Word Hacks in Shortened URLs; Fake News & Election Stats in Feed Corresponding to Identified Number Hacks; Twitter Emailing Fake News & to Suspended Account; Reach/Stats/Follower Disruption; OG Image Thumbnail Disruption

- **Apple:** Not Limited to What is Easily Proven: Made it Impossible to Update Mac Pro OS Thereby Disabling Necessary Software & Rendering Very Expensive Supercomputer Useless; Locked Out of iCloud; Brand/Fashion Stalkers Wearing Apple & Creeping into Stalker Photos; Cross Platform Stalking = Problems Followed to Windows/PC & Mimicked; Still Liable Despite No Longer Using Apple Technology, etc.

- **Chase:** Credit Score Problem Caused by Finance Disruption Still Affecting Plaintiff Regularly in Present Day; Slippery Slope to Other Financial and Bank/Money Related Fraud; Attorney Selection by Name Hack & Seemingly the Head Puppet Leading the Pack of "Criminal" Defense Attorneys (Nothing Personal Mr. Watson; Glad to Elaborate in Detail)

This list covers a lot of new instances of similar but different crimes committed by previously and criminally dismissed Defendants in violation of Plaintiff's rights, but hardly scratches the surface of everything Plaintiff is pleading in the new complaint. These Defendants are legally liable for previously report, forementioned, and the following violations, which most probably would not have happened if had Defendants not started the trend regardless of neglect and obstruction.

## III. OBVIOUS PATTERNS OF RACKETEERING ACTIVITY

All these problems are linked to one another and follow the relentless pattern of damage causing violations and obstruction centered around original Defendants who along with new John Does are all equally liable for everything under the doctrine of conspiracy easily proven by clear and convincing evidence.

- Name, Number, Word Hacks
- Car/License Plate Stalkers
- Continued Pure Evil Housing Fraud
- Gym Stalkers, Bans & Damages
- GTA & Attempted Repeat
- Grand Theft of Tech & IP By Stalkers
- Death Trap / Obstacle Course Stalkers
- More False Arrests & Obstructions
- Health Care Fraud & Stalkers
- Physical Assault & Battery; Broken Foot
- Bank / Money / Check etc. Fraud
- Terminate OBSTRUCTION of JUSTICE

The cowardly collusion against Plaintiff in attempt of replace Plaintiff and steal intellectual property is clearly being conducted with competitive businesses planned to be distributed amongst conspirators not otherwise in position for legitimately attainable grandeur for their delusions, etc. They are not merely adopting crimes like copycat killers, but evidence and personal knowledge of certain people make it obvious that their motive and foolish thoughts about getting away with taking life of genius are rooted in not legally deliverable promises and agreements with original Defendants and dumb Does who are still liable for everything.

**B. Cease & Desist**

From All Violations, Sabotage, Spying, & Stalking, etc.

- Interactions Between Defendants & Does Must be Approved by Plaintiff
- Arrest Warrants for Individual Defendants in Violation of Agreement

## VI. ATTACHMENTS

Per usual all statements contained herein are supported by clear and convincing evidence. Plaintiff is still continuously gathering similar variety of evidence as previously demonstrated, but it is of preference to save time compiling by your taking his word under possibly penalty of fraud/perjury for it. Besides, more details that require digging up and formally logging will be preparation leading to more Defendant Doe discovery and heavy karmic no mercy legal actions.

**A. Business .PDFs (Drafts)**

- RRP Equity Capital Pitch Deck (Settlement Offer Version)
  - RRP Equity Capital Business Plan
- WC Equity Capital Pitch Deck (Public Offer if Neglected Version)
  - WC Equity Capital Business Plan
  - WC Franchise Disclosure Document
- *New RICO Complaint Per Request @ Face-to-Face*

**B. URLs**

- https://russellrope.com
- https://thetrueogreport.com
- https://weedconnection.com

## VII. CONCLUSION

WTF!? Are we not all Americans? This is more than the law and values of the land whereas Defendant evil is unjustifiable by any belief system. Plaintiff is a can do, did, and does do kind of man opposed to falsely entitled dumb Does being monkey see but cannot legitimately do wannabes, intellectually inferior goons, and corrupt government actors causing additional damages.

Give Plaintiff all the loot with no strings attached or he will inevitably arrest John & Jane Doe Defendants, evil attorneys, and government actors who obstructed of justice.

In conclusion, please do the right thing as this could be your final opportunity to live in peace and freedom while joining true original genius ("OG") on the rise to success.

Connect,

/s/ *Russell Rope*

**@ Russell Rope** 10/21/2022

*Plaintiff in Pro Per*