

Appendix I

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MAR 28 2024

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

STEVEN C. LEVI,

Plaintiff-Appellant,

v.

ANCHORAGE SCHOOL DISTRICT; et al.,

Defendants-Appellees.

No. 23-35170

D.C. No. 3:22-cv-00162-JMK

MEMORANDUM*

Appeal from the United States District Court
for the District of Alaska
Joshua M. Kindred, District Judge, Presiding

Submitted March 26, 2024**

Before: TASHIMA, SILVERMAN, and KOH, Circuit Judges.

Steven C. Levi appeals pro se from the district court's judgment dismissing his action alleging various federal claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)); *Mpoyo v. Litton Electro-*

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Optical Sys., 430 F.3d 985, 987 (9th Cir. 2005) (dismissal under res judicata). We affirm.

The district court properly dismissed Levi's claims concerning his unemployment benefits as barred by res judicata because Levi previously raised nearly identical claims against the same defendants or their privies in a prior federal action that resulted in a final judgment on the merits. *See Mpoyo*, 430 F.3d at 987-88 (elements of federal res judicata).

To the extent any of Levi's claims are not barred by res judicata, dismissal of those claims was proper because Levi failed to allege facts sufficient to state any plausible claim. *See Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (to avoid dismissal, "a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face" (citation and internal quotation marks omitted)).

AFFIRMED.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

STEVEN C. LEVI,

Plaintiff,

v.

ANCHORAGE SCHOOL DISTRICT *et al.*,

Defendants.

Case No. 3:22-cv-00162-JMK

ORDER OF DISMISSAL

Self-represented litigant Steven C. Levi ("Plaintiff") filed a Complaint and an Application to Proceed without Prepaying Fees and Costs on July 15, 2022.¹ Plaintiff brings suit against the Anchorage School District and its employees; the Municipality of Anchorage and two former Municipal Attorneys; the State of Alaska, several state departments, and over 100 state employees; the State of Alaska Court system; the Honorable Ralph R. Beistline; "John Doe, 1-100"; and "Jane Doe, 1-100."² Plaintiff alleges his rights were violated while filing his unemployment claim and subsequent state court case.³ Plaintiff explains the procedural history of his dispute with the Department of Labor and the subsequent

¹ Dockets 1-2.

² Docket 1 at 1-2.

³ Docket 1 at 9-12.

decisions from the Superior Court of Alaska and the Alaska Supreme Court.⁴

Plaintiff then breaks down Alaska Supreme Court Opinion S-16876 into specific sections with which he disagrees.⁵ Plaintiff further alleges he has been subjected to unemployment and “the impugning of his character” because he reported alleged mortgage fraud, “gift mortgages,” and income tax evasion to federal agencies.⁶ For relief, Plaintiff requests:

1. Damages for lost wages and benefits since 1995 from the State of Alaska, Municipality of Anchorage and Anchorage School District at the appropriate rate based on education and experience to be determined.
2. Punitive Damages in the amount of \$10 million.
3. A court clarification of gift mortgages definitively stating “gift mortgages” and their relation to mortgage fraud.
4. A court order guaranteeing plaintiff Federal Whistleblower and Qui Tam percentages.
5. A court order ending the discrimination of plaintiff and business associates by any and all people, department, divisions and offices of the State of Alaska, Municipality of Anchorage and the Anchorage School District.
6. Protection from further retaliation.
7. A court order for the State of Alaska to bring its manuals and instructions in all departments, divisions and office in line with Alaska Statute and the ADA Compliance Program.
8. A referral to the FBI and the IRS and the Federal Housing Finance, Banking and Securities Administration to undertake an immediate, comprehensive investigation and prosecution of “gift mortgages” in all states.

⁴ Docket 1 at 1–2.

⁵ Docket 1 at 3–12.

⁶ Docket 1 at 13.

9. Additional relief as the court finds appropriate.⁷

SCREENING REQUIREMENT

Federal law requires a court to conduct an initial screening of a civil complaint filed by a self-represented litigant seeking to proceed in a lawsuit in federal court without paying the filing fee.⁸ In this screening, a court shall dismiss the case at any time if the court determines that the action:

- (i) is frivolous or malicious;
- (ii) fails to state a claim on which relief may be granted; or
- (iii) seeks monetary relief against a defendant who is immune from such relief.⁹

To determine whether a complaint states a valid claim for which relief may be granted, courts consider whether the complaint contains sufficient factual matter that, if accepted as true, “state[s] a claim to relief that is plausible on its face.”¹⁰ Before a court may dismiss any portion of a complaint for failure to state a claim upon which relief may be granted, the court must provide the plaintiff with a statement of the deficiencies in the complaint and an opportunity to amend or

⁷ Docket 1 at 14–15.

⁸ See, e.g., *Lopez v. Smith*, 203 F.3d 1122, 1126 n.7 (9th Cir. 2000).

⁹ 28 U.S.C. § 1915A.

¹⁰ *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (citing *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). In making this determination, a court may consider “materials that are submitted with and attached to the Complaint.” *United States v. Corinthian Colleges*, 655 F.3d 984, 999 (9th Cir. 2011) (citing *Lee v. L.A.*, 250 F.3d 668, 688 (9th Cir. 2001)).

otherwise address the problems, unless to do so would be futile.¹¹ Futility exists when “the allegation of other facts consistent with the challenged pleading could not possibly cure the deficiency[.]”¹²

A complaint may be found frivolous if it “merely repeats pending or previously litigated claims.”¹³ A federal court may, *sua sponte*, dismiss a case on preclusion grounds where the records of that court show that a previous action covering the same subject matter and parties had been dismissed.¹⁴

DISCUSSION

I. Background

The Court takes judicial notice¹⁵ of two previous federal actions brought by Mr. Levi. In *Levi v. State of Alaska*, Case No. 3:18-cv-00282-RRB, Plaintiff brought suit against the State of Alaska alleging violations of his civil rights under 42 U.S.C. § 1983. Plaintiff claimed Alaska’s Department of Labor improperly ordered he refund the Department for an overpayment of unemployment benefits, and he

¹¹ See *Gordon v. City of Oakland*, 627 F.3d 1092, 1094 (9th Cir. 2010) (citing *Albrecht v. Lund*, 845 F.2d 193, 195 (9th Cir. 1988)).

¹² See *Schreiber Distributing Co. v. Serv-Well Furniture Co.*, 806 F.2d 1393, 1401 (9th Cir. 1986).

¹³ *Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (citation and quotation omitted).

¹⁴ *Headwaters Inc. v. U.S. Forest Serv.*, 399 F.3d 1047, 1052 (9th Cir. 2005).

¹⁵ Judicial notice is the “court’s acceptance, for purposes of convenience and without requiring a party’s proof, of a well-known and indisputable fact; the court’s power to accept such a fact.” BLACK’S LAW DICTIONARY (11th ed. 2019). A court can take judicial notice of its own files and records. Fed. R. Evid. 201.

challenged Alaska Supreme Court Opinion S-16876.¹⁶ The Court dismissed the action with prejudice for failure to state a claim, lack of subject matter jurisdiction, and futility of amendment.¹⁷ Plaintiff appealed the Court's decision to the Ninth Circuit.¹⁸ The Ninth Circuit affirmed the Court's decision, finding the action was properly dismissed and amendment would have been futile.¹⁹

In *Levi v. Federal Housing Finance Agency et al.*, Plaintiff sought to compel four federal agencies to investigative and take enforcement action to address what he contends are illegal "gift mortgages" around the country.²⁰ The Court granted Defendant's Motion to Dismiss for lack of subject matter jurisdiction under Fed. R. Civ. P. 12(b)(1).²¹ Plaintiff appealed.²² The Ninth Circuit affirmed the Court's order dismissing the action.²³ The Ninth Circuit denied Plaintiff's request for rehearing.²⁴

Plaintiff now seeks to combine the same claims raised in the above two cases in the instant case. While the Court is sympathetic to Plaintiff's plight, the

¹⁶ *Levi v. State of Alaska*, Case No. 3:18-cv-00282-RRB, Docket 1.

¹⁷ *Id.* at Docket 2.

¹⁸ *Id.* at Docket 4.

¹⁹ *Id.* at Docket 7.

²⁰ *Levi v. Federal Housing Finance Agency et al.*, Case No. 3:17-cv-00183-TMB.

²¹ *Id.* at Docket 38. The Court also noted Plaintiff lacked standing and the claim was barred by sovereign immunity. *Id.* at 6–7.

²² *Id.* at Docket 39.

²³ *Id.* at Docket 47.

²⁴ *Id.* at Docket 49.

Court previously dismissed these claims. Aside from the Courts previous reasons for dismissing these claims, there is additional basis for dismissal of the present action as it “merely repeats pending or previously litigated claims.”²⁵

II. These Duplicative Claims are Barred by *Res Judicata*

Under the doctrine of *res judicata*, also known as claim preclusion, a party cannot relitigate a claim that was previously decided. The Ninth Circuit has explained *res judicata* applies when “the earlier suit … (1) involved the same claim or cause of action as the later suit, (2) reached a final judgment on the merits, and (3) involved identical parties or privies.”²⁶

A. This Case Involves the Same Claims or Causes of Action Previously Dismissed in Final Judgments

Whether the suits involve the same claim or cause of action requires a federal court to look at four criteria, which are not applied mechanistically: (1) whether the suits arise out of the same transactional nucleus of facts; (2) whether rights or interests established in the prior judgment would be destroyed or impaired by prosecution of the instant case; (3) whether the cases involve infringement of the same right; and (4) whether substantially the same evidence is

²⁵ *Cato v. United States*, 70 F.3d 1103, 1105 n. 2 (9th Cir.1995) (internal citations and quotation marks omitted).

²⁶ *Sidhu v. Flecto Co.*, 279 F.3d 896, 900 (9th Cir. 2002). See also *PRIVY*, BLACK’S LAW DICTIONARY (11th ed. 2019) (A person having a legal interest of privity in any action, matter, or property; a person who is in privity with another).

presented in the cases.²⁷

Here, the Court's analysis is complicated by the fact that Plaintiff seeks to combine claims brought in two previous cases into the instant one. However, after careful consideration of all three cases, the Court concludes the first two criteria of claim preclusion are met because Plaintiff's previous two cases, which reached final judgments on the merits, involved the same claims or causes of action as the current case.²⁸

Plaintiff's first claim in the current case, "[f]ailure to provide adequate instruction and assistance when filing unemployment claims and denial of plaintiff with disabilities due process" is nearly identical to and arises out of the same nucleus of facts as the allegations in *Levi v. State of Alaska*.²⁹ Plaintiff's narrative and requests for relief are nearly identical to his earlier filings, all centering around events that allegedly occurred from 2011-2017. Although Plaintiff asserts he is subject to continuous consequences, he provides no facts related to events occurring after he filed the earlier complaints.

Plaintiff's second claim in the current case conflates facts alleged in both *Levi v. State of Alaska* and *Levi v. Federal Housing Finance Agency et al*³⁰ into

²⁷ *Chao v. A-One Med. Servs., Inc.*, 346 F.3d 908, 921 (9th Cir. 2003).

²⁸ *Mpoyo v. Litton Electro-Optical Sys.*, 430 F.3d 985, 987 (9th Cir. 2005).

²⁹ Case No. 3:18-cv-00282-RRB.

³⁰ Case No. 3:17-cv-00183-TMB.

one claim. Plaintiff's alleges certain individuals, in Alaska and nationwide, are receiving "gift mortgages," which are marked as paid off without the mortgagee receiving any actual payment from the mortgage loan recipient.³¹ Plaintiff also implies that he was retaliated against for discovering the "gift mortgages," and that both his former employer and numerous state agencies were paid off via "gift mortgages" for his termination and subsequent denial of certain unemployment benefits.³² Plaintiff now asserts the State of Alaska, Anchorage School District, Attorney General, and the Court failed to appropriately respond to his complaints.³³

Aside from the addition of the Court's alleged failures, the Court has previously addressed all the allegations contained in Plaintiff's current filings and dismissed without leave to amend. Dismissal of an action with prejudice, or without leave to amend, is considered a final judgment on the merits.³⁴ Accordingly, those claims are barred. Additionally, Plaintiff's allegations against this Court and its judges also fail. Not only are the Court and judges immune³⁵ from suit, but this new filing is not the proper way to appeal a court's decision. Further, as indicated

³¹ *Id.* at Docket 38.

³² Plaintiff's claims of retaliation, ongoing unemployment, and financial challenges were raised in *Levi v. State of Alaska*, Case No. 3:18-cv-00282-RRB.

³³ Docket 1 at 13–14.

³⁴ See, e.g., *Federated Dep't Stores v. Moitie*, 452 U.S. 394, 399 n. 3 (1981); *Headwaters Inc. v. U.S. Forest Serv.*, 399 F.3d 1047, 1052 (9th Cir. 2005).

³⁵ Because no cognizable claims are pleaded, the Court will not consider address immunity at this time. See generally, Const. Amend. XI.

above, Plaintiff has already appealed both the Court's previous dismissals, and both were affirmed by the Ninth Circuit.³⁶ Therefore, the Court finds that these claims are duplicative, a waste of judicial resources, and an improper attempt to circumvent the Federal Rules of Civil Procedure and the Court's previous orders.³⁷

B. This Case Involves the Same Parties or Privies as the Previously Dismissed Cases

Courts determine whether the parties or privies to the action are the same by looking to whether they represent the same interests.³⁸ Plaintiff's previous federal cases named the State of Alaska,³⁹ the Federal Housing Finance Agency, the Consumer Finance Protection Bureau, the Security and Exchange Commission, and the Internal Revenue Service.⁴⁰ Although the Court advised no defendants could be substituted under the alleged facts, Plaintiff now adds the

³⁶ See Case No. 3:17-cv-183-TMB, Docket 47 (order affirming district court's dismissal) and Docket 49 (petition for rehearing denied); Case No. 3:18-cv-00282-RRB, Docket 7 (order affirming dismissal).

³⁷ *Allen v. McCurry*, 449 U.S. 90, 94, 101 S. Ct. 411, 66 L.Ed.2d 308 (1980) (*res judicata* relieves parties of cost of multiple lawsuits, conserves judicial resources, and encourages reliance on adjudication); *Brown v. Felsen*, 442 U.S. 127, 131, 99 S. Ct. 2205, 60 L.Ed.2d 767 (1979) (*res judicata* "encourages reliance on judicial decisions, bars vexatious litigation, and frees the courts to resolve other disputes").

³⁸ See *Tahoe-Sierra Pres. Council, Inc. v. Tahoe Reg'l Planning Agency*, 322 F.3d 1064, 1081 (9th Cir. 2003) ("Even when the parties are not identical, privity may exist if there is substantial identity between parties, that is, when there is sufficient commonality of interest.") (internal cites and quotation marks omitted).

³⁹ *Levi v. State of Alaska*, Case No. 3:18-cv-00282-RRB.

⁴⁰ *Levi v. Federal Housing Finance Agency et al*, Case No. 3:17-cv-00183-TMB.

Anchorage School District and a variety of federal, state, and county employees as Defendants.

An employer-employee relationship generally satisfies the privity requirement for matters within the scope of employment" because the employer's and employee's interests are sufficiently aligned.⁴¹ Likewise, different representatives of the same governmental body share interests sufficient to render them in privity with one another, in the context of relitigating the same issue.⁴² The Court finds the additional Defendants do not significantly differ from the earlier cases, and are therefore, in privity with the previously named defendants.

C. Conclusion and Caution to Plaintiff

For the foregoing reasons, this case is barred by the doctrine of *res judicata* and is therefore DISMISSED WITH PREJUDICE.

Plaintiff has had a full and fair opportunity to raise and litigate the claims he asserts in this case.⁴³ The Court notes Plaintiff also previously brought his claims involving his unemployment case before the Department of Labor, the Alaska Superior Court, and the Alaska Supreme Court.

⁴¹ *Draws and v. F.F. Props., L.L.P.*, 866 F. Supp. 2d 1110, 1127 (N.D. Cal. 2011).

⁴² See *Ma Chuck Moon v. Dulles*, 237 F.2d 241, 243 (9th Cir. 1956) (finding that an action against the U.S. Secretary of State barred a later action against the U.S. Attorney General because the difference between the defendants was not sufficiently material.).

⁴³ *Ross v. Int'l Bhd. of Elec. Workers*, 634 F.2d 453, 458 (9th Cir. 1980) ("The question [before applying *res judicata* to bar the second suit] is ... whether [plaintiff] had a fair opportunity to litigate that claim before a competent court prior to bringing it to the court below.").

A court may act with leniency towards a self-represented litigant for procedural violations, but attorneys and self-represented litigants are expected to follow the same rules and procedures.⁴⁴ Civil actions in federal courts abide by the Federal Rules of Civil Procedure.⁴⁵ Additionally, the U.S. District Court of Alaska has Local Civil Rules.⁴⁶ Under Local Civil Rule 11.2, the Court is well within its power to impose sanctions for rules violations, including fines, costs, and attorney's fees awards. Beyond these rules-based options, a federal district court possess inherent powers to manage their own affairs to achieve orderly dispositions.⁴⁷ This includes fashioning sanctions for conduct that brings duplicative claims that have already been litigated, abuses the judicial process or is in bad faith.⁴⁸ The Court cautions Plaintiff to carefully consider any future filings with the Court.

IT IS THEREFORE ORDERED:

1. This action is **DISMISSED WITH PREJUDICE.**

⁴⁴ *Motoyama v. Hawaii, Dept. of Transp.*, 864 F. Supp. 2d 965, 976 (2012); see also *King v. Atiyeh*, 814 F.2d 565, 567 (9th Cir. 1987), overruled on other grounds by *Lacey v. Maricopa Cty.*, 693 F.3d 896 (9th Cir. 2012) (establishing self-represented litigants are bound by the same procedural rules as represented parties).

⁴⁵ The most current Rules of Civil Procedure will be available here: <https://www.uscourts.gov/rules-policies/current-rules-practice-procedure>.

⁴⁶ The most current local rules will be here: <https://www.akd.uscourts.gov/court-info/local-rules-and-orders/local-rules>.

⁴⁷ *America Unites for Kids v. Rousseau*, 985 F.3d 1075, 1088 (9th Cir. 2021).

⁴⁸ *Id.* See also *Abdul-Akbar v. Dep't of Corr.*, 910 F. Supp. 986 (D. Del., 1995), *aff'd*, 111 F.3d 125 (3d Cir.) (table decision), *cert. denied*, 522 U.S. 852 (1997).

2. All pending motions are **DENIED AS MOOT**.
3. The Clerk of Court shall issue a final judgement.

DATED this 15th day of February, 2023, at Anchorage, Alaska.

/s/ Joshua M. Kindred
JOSHUA M. KINDRED
UNITED STATES DISTRICT JUDGE

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Appendix II

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

STEVEN C. LEVI,)
 Plaintiff) No.23-35170
)
 v.) D.C. No. 3:22-cv-00162-JMK
)
 Anchorage School District)
)
 Timothy Blake, Principal,)
 Joy Chastagner, Labor Relations Generalist)
 Deena Bishop, Former Superintendent)
 of Anchorage School District)
)
 Municipality of Anchorage)
)
 Frederick H. Boness, Former Municipal)
 Attorney)
 James Reeves, Former Municipal Attorney)
)
 State of Alaska)
)
 Department of Labor and Workforce)
 Development)
 Susan Nichols, Investigator)
 Rhonda Buness, Appeals Officer)
 Patsy Westcott, Division Director)
 Greg Cashen, SOA Assistant Director,)
 Employment Security)
)
 Division of Personnel)
 Kate Sheehan, Division of Personnel)
 Nancy Sutch, Division of Personnel)
)
 Jahna Lindemuth, former Attorney)
 General for the State of Alaska)
 Heidi Drygas, former Commissioner)
 of the Department of Labor)
 Dr. Tamika Ledbetter, Commissioner)
 of the Department of Labor)
 Linda Mahoney, Commissioner of Revenue)

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Frank Pfiffner, SOA Alaska Court System)
)
 David Newman, ADA Director)
)
 Ralph R. Beistline, Federal District Judge)
)
 State of Alaska, 1 - 100)
)
 John Doe, 1 - 100)
)
Jane Doe, 1 - 100)

APPELLANT'S OPENING BRIEF AND EXCERPTS OF RECORD

COMES NOW APPELLANT'S OPENING BRIEF AND EXCERPTS OF RECORD
 appealing the Dismissal of 3:22-cv-00162-JMK by the Federal Court in Alaska.

STATEMENT OF THE CASE

On February 15, Joshua M. Kindred of the United States District Court of Alaska Dismissed Case No. 3:22-cv-00162-JMK with Prejudice. The Dismissal contained nine (9) errors.

Error One:

On Page 4 of 12, the Court conflated *Levi v. State of Alaska*, Case 3:18-cv-00282-RRB with this case. First, this case, 3:22-cv-00162-JMK has no bearing on the case which was previously appealed to the 9th Circuit. That case dealt with the violation of Plaintiff's civil rights in the specific matter of unemployment compensation. Unemployment Compensation is not a matter in this case, 3:22-cv-00162-JMK. This case is specifically regarding bribery of public officials receiving federal mortgage dollars to deny Plaintiff employment with the State of Alaska, Municipality of Anchorage, and the Anchorage School District. These actions are

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violations of Federal Bribery Statute 18 U.S.C. § 201, Bank Fraud, 18 U.S.C. § 1341, and a variety of IRS regulations.

Error Two:

On Page 5 of 12, the Court has conflated *Levi v. Federal Housing Finance Agency et al.* with this case. That case specifically requested a federal determination of the legality of so-called gift mortgages. Plaintiff has stated that mortgages, federal dollars, gifted by a bank to individuals are mortgage fraud and income tax evasion by both the individual involved and the bank providing the so-called gift mortgage. No federal agency, department, Court, or regulatory entity has ruled on the legality of so-called gift mortgages. This case, 3:22-cv-00162-JMK, is specifically regarding bribery of public officials with the use of federal mortgage dollars to deny Plaintiff employment with the State of Alaska, Municipality of Anchorage, and the Anchorage School District. These actions are violations of Federal Bribery Statute 18 U.S.C. § 201, Bank Fraud, 18 U.S.C. § 1341, and a variety of IRS regulations.

Error Three:

The Court is in error in its claim of *res judicata*. No court, federal or state, has ruled on the matter of bribery of public officials using of federal mortgage dollars to deny Plaintiff employment with the State of Alaska, Municipality of Anchorage, and the Anchorage School District. These actions are violations of Federal Bribery Statute 18 U.S.C. § 201, Bank Fraud, 18 U.S.C. § 1341, and a variety of IRS regulations.

Error Four:

On Page 7 of 12, the Court states,

Although Plaintiff asserts he is subject to continuous consequences, he provides no facts related to events occurring after he filed the earlier complaints.

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This is an error. In the initial filing in July of 2022, Plaintiff provided specific information about the ongoing discrimination as well as the specific individuals involved. Significant to the initial filing was a request to the Federal District Court in Anchorage to send Discovery and Interrogatory requests to the specific individuals who had allegedly received federal mortgage relief in the form of a so-called gift mortgage in exchange for the harassment of Plaintiff. The Discovery and Interrogatories were never sent because permission by the Court to send the documents was never granted. This is a violation of the rights of the Plaintiff as well as a violation of the due process of law.

Specifically of critical importance to Error Four, "facts related to events occurring after [Plaintiff] filed the earlier complaints" is misleading. The two cases which the Court is conflating with this case, 3:22-cvv-00162-JMK, did not request Discovery and Interrogatories from the specific individuals in this case.

Error Five:

On page 8 of 12, the Court states it "has previously addressed all the allegations contained in Plaintiff's current filing." This is an error. Again, the Court is conflating other federal cases with this one. Specifically regarding this case, 3:22-cvv-00162-JMK, the Court has not allowed the sending of Discovery and Interrogatories so there is no way the Court can assert "all allegations" are in error.

Error Six:

Further, also on page 8 of 12, the Court states, "Plaintiff's allegation against this Court and its judges also fails." This is the first time the word "judges" is included in the filing, and is in error. Two judges are included in the request for Discovery and Interrogatory. Judges lose individual and official immunity in the investigation of crimes; *Cannon v. Commission on*

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Judicial Qualifications (1975) 14 Cal. 3d. 678, 694 and *Butz v. Economou* 98 S. Ct. 2894 (1978); *United States v. Lee*, 106 U. S. at 220, 1 S. Ct. at 261 (1882). This case is specifically regarding bribery of public officials, including two judges, with the use of federal mortgage dollars to deny Plaintiff employment with the State of Alaska, Municipality of Anchorage, and the Anchorage School District. Therefore, judges lose their individual and official immunity and must respond to Discovery and Interrogatories.

Error Seven:

On page 10 of 12, the Court states,

The Court finds the additional Defendants do not significantly differ from the earlier cases, and are therefore, in privity with the previously named defendants.

This is in error. First, the “additional Defendants” in 3:22-cvv-00162-JMK have never received Discovery and Interrogators in any of Plaintiff’s federal cases. Further, the Defendants in 3:22-cvv-00162-JMK are significantly different from the earlier cases because they were not included in the earlier cases which the Court has conflated with this one.

Further, the specific definition of privity is “a relation between two parties that is recognized by law, such as that of blood, lease, or service.” Plaintiff agrees with the Court there is a relation between the parties. It is the receipt of so-called gift mortgages in the ongoing discrimination of the Plaintiff in employment with the State of Alaska, Municipality of Anchorage – as well as the ongoing gifting of gift mortgages from Wells Fargo. This privity will be revealed when the Court allows the dissemination of the Discovery and Interrogatories to the specifically named individuals in 3:22-cvv-00162-JMK.

CONCLUSION

The decision to dismiss 3:22-cvv-00162-JMK was in error. The continuing conflation of the federal cases which have no bearing on this one have prejudiced the outcome of this case. Further, for the Court to fail to allow the sending of Discovery and Interrogatories to the specific individuals named in the initial filing is a violation of due process. Plaintiff has shown a discriminatory pattern of behavior which has affected Plaintiff's employment with the State of Alaska, Municipality of Anchorage, and the Anchorage School District. These actions are violations of Federal Bribery Statute 18 U.S.C. § 201, Bank Fraud, 18 U.S.C. § 1341, and a variety of IRS regulations.

REQUEST FOR RELIEF

Plaintiff prays the Court will negate the Order of Dismissal and allow the sending of Discovery and Interrogatories to the specifically named individuals in this case.

Respectfully submitted:


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