

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP 24 2024

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

IN RE LA SHAUNA M GRIFFIN.

LA SHAUNA M GRIFFIN,

Petitioner,

v.

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF
CALIFORNIA, SANTA ANA,

Respondent,

COUNTY OF LOS ANGELES; et al.,

Real Parties in Interest.

No. 24-5237

D.C. No.

8:21-cv-00981-DOC-JDE

Central District of California,
Santa Ana

ORDER

Before: CHRISTEN, OWENS, and BRESS, Circuit Judges.

Petitioner has not demonstrated a clear and indisputable right to the extraordinary remedy of mandamus. *See In re Mersho*, 6 F.4th 891, 897 (9th Cir. 2021) (“To determine whether a writ of mandamus should be granted, we weigh the five factors outlined in *Bauman v. United States District Court.*”); *Bauman v. U.S. Dist. Court*, 557 F.2d 650 (9th Cir. 1977). Accordingly, the petition is denied.

The motion to proceed in forma pauperis (Docket Entry No. 4) is denied as moot.

Appendix J

No further filings will be entertained in this closed case.

DENIED.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No: SA CV 21-00981-DOC-(JDEx)

Date: June 5, 2023

Title: La Shauna M. Griffin v. Los Angeles County, et al.

PRESENT: THE HONORABLE DAVID O. CARTER, UNITED STATES DISTRICT JUDGE

Karlen Dubon
Courtroom Clerk

Deborah Parker
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
La Shauna M. Griffin (pro se)

ATTORNEYS PRESENT FOR
DEFENDANT:
Clifton Baker

**PROCEEDINGS: PLAINTIFF'S MOTION FOR SUMMARY
JUDGMENT PURSUANT TO FRCP 56 [57]**

**MOTION FOR JUDGMENT ON THE PLEADINGS
[59]**

The case is called. The Court and counsel confer.

The Court hears oral arguments.

For the reasons as stated on the record, the Court DENIES Plaintiff's Motion for Summary Judgment (Dkt. 57) as improper. The Court GRANTS Plaintiff leave to file a Third Amended Complaint on or before **June 26, 2023**. Should Plaintiff fail to file an amended complaint by this date, the Court shall then consider Defendant's Motion for Judgment on the Pleadings (Dkt. 59) and this case may be dismissed with prejudice.

Furthermore, as the Court previously suggested, the Court strongly encourages Plaintiff to retain counsel or otherwise consult professional legal assistance or the Court's Pro Se Clinic for proper filing procedures under the Federal Rules of Civil Procedures.

: 33

Initials of Deputy Clerk: kdu

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

La Shauna M. Griffin
Appellant(s),

9th Cir. Case No. 21-55716

v.

Los Angeles County, et al.
Appellee(s).

STATEMENT THAT APPEAL SHOULD GO FORWARD
(attach additional sheets as necessary)

1. Date(s) of entry of judgment or order(s) you are challenging in this appeal:

June 25, 2021

2. What claims did you raise to the court below?

- 1.) Title VII of the Civil Rights Act of 1964 as amended 42 U.S.C. 2000e, et seq (right to sue)
- 2.) Americans with Disabilities Act of 1990, as amended 42 U.S.C 12111, et seq and title V section 503 of the act, 42 U.S.C 12203 (right to sue)
- 3.) Equal pay Act of 1963, as amended
- 4.) Unlawful termination
- 5.) Negligence
- 6.) Breach of contract
- 7.) California tort claim
- 8.) Bivens
- 9.) 14th Amendment
- 10.) Pain, suffering, emotional distress, loss of past, present, future wages, and monetary compensation for relief

3. What do you think the court below did wrong? (You may, but need not, refer to cases and statutes.)

The court didn't properly review/consider, or admit my submitted relevant documents in a timely manner, nor did the court apply the law or give me due process (14th Amendment) of the law regarding my civil rights which were violated, and were expressed within my complaint and brief.

4. Why are these errors serious enough that this appeal should go forward?

Per the United States Declaration of Independence of 1776, I'm entitled to life, liberty, and the pursuit of happiness through unalienable rights for its citizens. The government must protect and ensure these rights.

By this declaration, all men are created equal by their Creator. Therefore, if a violation of these rights have occurred, it would void the aforementioned statements mentioned within the United States declaration of Independence of 1776, making it null and obsolete.

5. Additional Information:

The claims mentioned within my complaint and brief are valid. I've been unlawfully terminated by my office, and last day I teleworked was January 18, 2021. Therefore, I'm requesting that this court proceed with my appeal for the relief sought, and continue to establish justice for all by resolving the issues within my complaint.

Dated: December 2, 2024

La Shauna M. Griffin

Print Name(s)

La Shauna Griffin

Signature(s)

Appellant(s) in Pro Se

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

NOV 17 2022

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

LA SHAUNA M. GRIFFIN,

Plaintiff-Appellant,

v.

LOS ANGELES COUNTY; et al.,

Defendants-Appellees.

No. 21-55716

D.C. No. 8:21-cv-00981-DOC-JDE
Central District of California,
Santa Ana

ORDER

Before: CANBY, CALLAHAN, and BADE, Circuit Judges.

The response to the court's August 10, 2021 order, and the opening brief filed on July 22, 2021, demonstrate that this appeal involves non-frivolous issues. The order to show cause is therefore discharged. *See* 28 U.S.C. § 1915(a).

The district court properly dismissed Griffin's Title VII discrimination and hostile work environment claims because Griffin failed to allege facts sufficient to state a plausible claim. *See Vasquez v. County of Los Angeles*, 349 F.3d 634, 642 (9th Cir. 2004) (setting forth elements of a Title VII hostile work environment claim); *Costa v. Desert Palace, Inc.*, 299 F.3d 838, 847-48 (9th Cir. 2002) (noting that the protected characteristic must be a motivating factor for the employment decision for a Title VII discrimination claim).

The district court dismissed Griffin's claims for retaliation under Title VII, discrimination under the Americans with Disabilities Act, and violation of the

Family and Medical Leave Act. Although Griffin's allegations were insufficient to state a claim, because the order screening the original complaint did not address these claims, dismissal of these claims set forth in the first amended complaint was premature because it is not absolutely clear that amendment would be futile. *See Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995) ("Unless it is absolutely clear that no amendment can cure the defect . . . a pro se litigant is entitled to notice of the complaint's deficiencies and an opportunity to amend prior to dismissal of the action."). We vacate the judgment and remand for the district court to provide Griffin with an opportunity to file a further amended complaint as to these claims.

All pending motions are denied as moot.

VACATED and REMANDED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

DEC 09 2022

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

LA SHAUNA M. GRIFFIN,

Plaintiff - Appellant,

v.

LOS ANGELES COUNTY; et al.,

Defendants - Appellees.

No. 21-55716

D.C. No. 8:21-cv-00981-DOC-JDE
U.S. District Court for Central
California, Santa Ana

MANDATE

The judgment of this Court, entered November 17, 2022, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

By: Nixon Antonio Callejas Morales
Deputy Clerk
Ninth Circuit Rule 27-7

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

La Shauna M. Griffin

v.

PLAINTIFF(S)

Los Angeles County et al.,

DEFENDANT(S)

CASE NUMBER

8:21-cv-00981-DOC-JDE

**ORDER ON REQUEST TO PROCEED
IN FORMA PAUPERIS
(NON-PRISONER CASE)**

The Court has reviewed the Request to Proceed *In Forma Pauperis* (the "Request") and the documents submitted with it. On the question of indigency, the Court finds that the party who filed the Request:

- ☒ is not able to pay the filing fees. ☐ is able to pay the filing fees.
- ☐ has not submitted enough information for the Court to tell if the filer is able to pay the filing fees. This is what is missing:

IT IS THEREFORE ORDERED that:

- ☒ The Request is GRANTED.
- ☐ Ruling on the Request is POSTPONED for 30 days so that the filer may provide additional information.
- ☐ The Request is DENIED because the filer has the ability to pay.
- ☐ As explained in the attached statement, the Request is DENIED because:
- ☐ The District Court lacks ☐ subject matter jurisdiction ☐ removal jurisdiction.
 - ☐ The action is frivolous or malicious.
 - ☐ The action fails to state a claim upon which relief may be granted.
 - ☐ The action seeks monetary relief against defendant(s) immune from such relief.

IT IS FURTHER ORDERED that:

- ☐ Within 30 days of the date of this Order, the filer must do the following:

If the filer does not comply with these instructions within 30 days, this case will be DISMISSED without prejudice.

- ☐ As explained in the attached statement, because it is absolutely clear that the deficiencies in the complaint cannot be cured by amendment, this case is hereby DISMISSED ☐ WITHOUT PREJUDICE ☐ WITH PREJUDICE.
- ☐ This case is REMANDED to state court as explained in the attached statement.

February 14, 2023

Date



United States District Judge

Central District of California

Defendant(s)

Civil Action No. 8:21-CV-00981-DOC-JDE

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 26. Notice of Delay

Instructions for this form are available at <https://www.uscourts.gov/forms/form26instructions.pdf>

9th Cir. Case Number(s) { 23-55512, 23-55716

Case Name { La Shauna Griffin vs. Los Angeles County, et al

Name(s) of party or parties filing this notice:

La Shauna Griffin

I am notifying the court that this appeal or petition has been pending before the court for a period in excess of that set forth below:

- ☒ A motion has been pending for longer than 4 months.
- ☐ The parties have not received notice of oral argument or submission on the briefs within 15 months after the completion of briefing.
- ☒ A decision on the merits has not been issued within 9 months after submission.
- ☐ The mandate has not issued within 28 days after the time to file a petition for rehearing has expired.
- ☐ A petition for rehearing has been pending for longer than 6 months.
- ☒ Other (describe the nature of the delay):

I, La Shauna Griffin, plaintiff in pro per filed my initial Emergency Relief motion on June 28, 2023, which accompanied the certificate. Subsequently, I filed two additional emergency motions. Those filing dates are November 27, 2023 and January 18, 2024. Without further delay for my case on appeal and as a non-prisoner, I urge this court to serve immediate justice by ordering a judgment in my favor based on the United States Constitution, merits, including local, state, and federal laws regarding my further amended civil rights employment discrimination case that has been carelessly mishandled.

Signature { s/La Shauna Griffin

Date { Feb 2, 2024

(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

United States Court of Appeals for the

Notice of Docket Activity

**The following transaction was entered on 02/02/24:
Standard Time and filed on 02/02/2024**

Case Name: La Shauna Griffin v. Los Angeles

Case Number: 23-55512

Document(s): Document(s)

Docket Text:

Filed (ECF) Appellant La Shauna M. Griffin Corres

of Dallas as a Plaintiff (see exhibit) for entry and

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No: SA CV 21-00981-DOC-(JDEx)

Date: June 27, 2023

Title: La Shauna M. Griffin v. Los Angeles County, et al.

PRESENT: THE HONORABLE DAVID O. CARTER, UNITED STATES DISTRICT JUDGE

Karlen Dubon
Courtroom Clerk

Not Reported
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANT:
None Present

**PROCEEDINGS (IN CHAMBERS): ORDER DISMISSING CASE
WITHOUT PREJUDICE**

On June 5, 2023 the Court granted the plaintiff leave to file a Third Amended Complaint on or before **June 26, 2023** (Dkt. 67). Furthermore, the Court strongly encouraged plaintiff to retain counsel or otherwise consult professional legal assistance via the Court's Pro Se Clinic for proper filing procedures under the Federal Rules of Civil Procedures.

As of June 27, 2023, plaintiff has failed to file an amended complaint by the given date. Therefore the Court dismisses without prejudice.

MOTION for Judgment on the Pleadings filed by Defendant Los Angeles County [59] is DENIED as moot.

:
Initials of Deputy Clerk: kdu

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

AUG 20 2024

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

LA SHAUNA M. GRIFFIN,

Plaintiff-Appellant,

v.

LOS ANGELES COUNTY; et al.,

Defendants-Appellees.

No. 23-55512

D.C. No. 8:21-cv-00981-DOC-JDE
Central District of California,
Santa Ana

ORDER

Before: FERNANDEZ, NGUYEN, and OWENS, Circuit Judges.

Griffin's motion to recall the mandate (Docket Entry No. 32) is denied.

No further filings will be entertained in this closed case.

Submission Confirmation

Inbox



Civil Intake 2 days ago
to me v



Dear La Shauna Griffin:

This email confirms that the document(s) listed below were received by the United States District Court for the Central District of California at the date and time indicated:

Name: La Shauna Griffin

Tracking Number: EDS-230211-000-6832

Date: 2/11/2023 5:21:54 PM

Uploaded files:

- IFP (Request to Proceed w Declaration in Support).pdf
- IFP (Request to Proceed w/ Declaration in Support) Further Amended (Operative) Complaint.PDF
- Further Amended (Operative) Complaint

The document(s) have not yet been filed. Just like documents received through the U.S. Mail, documents received through the Electronic Document Submission System ("EDSS") will not be considered filed until court staff have uploaded them into the Court's Case Management/Electronic Case Filing System ("CM/ECF"). Documents submitted using EDSS should be processed within 1-2 business days of receipt. However, the date of EDSS submission will be considered the filing date for any documents received through EDSS and later filed into CM/ECF.

If you are registered for electronic service of documents

Appendix I

Submitted February 21, 2024**

Before: FERNANDEZ, NGUYEN, and OWENS, Circuit Judges.

La Shauna M. Griffin appeals pro se from the district court's order granting leave to amend her second amended complaint in her federal employment law action. We dismiss the appeal for lack of jurisdiction.

We lack jurisdiction to review the district court's order granting Griffin leave to amend her second amended complaint because the order is not final or appealable. *See WMX Tech., Inc. v. Miller*, 104 F.3d 1133, 1135-37 (9th Cir. 1997) (en banc) (dismissal of complaint with leave to amend is not appealable); *cf. Serine v. Peterson*, 989 F.2d 371, 372 (9th Cir. 1993) (order) ("Rule 4(a)(2) permits a notice of appeal from a nonfinal decision to operate as a notice of appeal from the final judgment only when a district court announces a decision that *would be* appealable if immediately followed by the entry of judgment." (citation omitted)).

All pending motions are denied as moot.

DISMISSED.

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

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 21 2024

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

LA SHAUNA M. GRIFFIN,

Plaintiff - Appellant,

v.

LOS ANGELES COUNTY; et al.,

Defendants - Appellees.

No. 23-55512

D.C. No. 8:21-cv-00981-DOC-JDE
U.S. District Court for Central
California, Santa Ana

MANDATE

The judgment of this Court, entered February 28, 2024, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT