APPENDIX

TABLE OF APPENDICES

Appendix F:

Appendix G:

Appendix H

Appendix A

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 22-55980

MARLON ABRAHAM ROSASEN,
and DTR, a minor, LAR, a minor,

Plaintiffs-Appellants,

v.

KINGDOM OF NORWAY, *et. al.,* Responsible Party for the following Agencies and Instrumentalities

Defendants-Appellees.

MEMORANDUM

Appeal from the *United* States District Court
for the Central District of California
Sherilyn Peace Garnett, District Judge, Presiding
D.C. No. 2:21-cv-06811-SPG-SP

Submitted April 15, 2024

Before: BENNETT, BADE, and COLLINS, Circuit Judges.

* 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).

Plaintiff-Appellant Marlon Abraham Rosasen appeals pro se from the district court's order dismissing his First Amended Complaint (FAC)

against Defendant-Appellee Kingdom of Norway.[1] We have jurisdiction under 28 U.S.C. § 1291 and we affirm.

We review de novo the dismissal of a complaint for failure to allege jurisdiction under the Foreign Sovereign Immunities Act (FSIA). *Broidy Cap. Mgmt., LLC v. State of Qatar*, 982 F.3d 582, 586 (9th Cir. 2020). We conclude Norway is immune from suit under the FSIA because Rosasen has not pointed to any applicable exception to sovereign immunity.

1. The district court appropriately addressed sovereign immunity *sua sponte* because "federal jurisdiction does not exist unless one of the exceptions to immunity from suit applies." *Peterson v. Islamic Republic of Iran*, 627 F. 3d 1117, 1125 (9th Cir. 2010); *see also* Fed. R. Civ. P. 12(h)(3). Rosasen

[1] When we refer to "Norway," we also refer to the defendant agencies and instrumentalities of Norway. *See* 28 U.S.C. § 1603(a),(b)(2). Rosasen does not contest the district court's dismissal of all individual defendants, so that issue is waived. *See Friends of Yosemite Valley v. Kempthorne*, 520 F.3d 1024, 1033 (9th Cir. 2008).

contends the district court erred by litigating on Norway's behalf, but "even if the foreign state does not enter an appearance to assert an immunity defense, a District Court still must determine that immunity is unavailable." *Peterson*, 627 F. 3d at 1125 (quoting *Verlinden B.V. v. Cent. Bank of Nigeria*, 461 U.S. 480, 493 n.20 (1983)). The plaintiff must "prove that immunity does not exist." *Id.*

Rosasen asserts that the FSIA's domestic tort exception to immunity applies to his claims. *See* 28 U.S.C. § 1605(a)(5). But that exception does not apply to "any claim arising out of malicious prosecution [or] abuse of process." *Id.* § 1605(a)(5)(B). Rosasen alleged that Norway instigated and supported his wife's custody petition under the Hague Convention and the International Child Abduction Remedies Act, which resulted in his wife obtaining custody of their children. *See Rosasen v. Rosasen*, No. 20-55459, 2023 WL 128617 (9th Cir. Jan. 9, 2023). Although Rosasen did not plead malicious prosecution or abuse of process claims, the gravamen of his claims is that

Norway "misused legal procedures" to return his children to Norway. *Blaxland v. Commonwealth Dir. Of Pub. Prosecutions*, 323 F. 3d 1198, 1206 (9th Cir. 2003). Because Rosasen's claims are predicated on Norway's alleged "wrongful use of legal process," the exception in § 1605(a)(5) does not apply. *Id.* At 1204; *see* also *id.* At 1203 (holding that the defendant was immune from emotional distress and loss of consortium claims because those claims "derive from the same corpus of allegations" as abuse of process and malicious prosecution claims). Rosasen's use of labels such as kidnapping, deprivation of rights, or conspiracy is insufficient to apply the exception because "[w]e look beyond the complaint's characterization to the conduct on which the claims is based." *Id.* at 1203 (alterations omitted) (quoting *Mt. Homes, Inc. v. United States*, 912 F.2d 352, 356 (9th Cir. 1990)). A plaintiff "cannot overcome sovereign immunity for claims of malicious prosecution and abuse of process by calling them a different name." *Id.* at 1206.

We also reject Rosasen's argument that Norway's alleged acts fall under the commercial tort exception in 28 U.S.C. § 1605(a)(2). Rosasen's suit is not "based upon," *id.*, commercial acts by Norway, such as hiring a law firm, because even if the commercial acts were proven, "those facts alone entitle [Rosasen] to nothing under [his] theory of the case." *Saudi Arabia v. Nelson*, 507 U.S.349, 358 (1993); *see* also *Broidy*, 982 F. 3d at 594 (concluding that claims were not based on commercial activity when there was merely a connection between noncommercial torts and *commercial* conduct, such as the hiring of a public relations firm").

Absent any applicable exception to sovereign immunity, the district court properly dismissed the FAC for lack of jurisdiction.

2. Because Rosasen's claims all arise from alleged conduct for which Norway is immune, "it is clear on de novo review that the complaint could not be saved by amendment," and the district court properly denied leave to amend. *Webb v. Trader Joe's Co.*, 999

F.3d 1196, 1204 (9th Cir. 2021) (quoting *Eminence Cap., LLC v Aspeon, Inc.*, 316 F. 3d 1048, 1052 (9th Cir. 2003) (per curiam)). Without any likelihood of success on the merits, the district court did not abuse its discretion by declining to appoint counsel. *See Palmer v. Valdez*, 560 F. 3d 965, 970 (9th Cir. 2009). We also reject Rosasen's argument that the district court committed reversible error by failing to order the clerk of the court to effectuate service on Norway, *see* 28 U.S.C. §1608(a)(3), because his claims fail regardless of whether Norway was served, *see* Fed. R. Civ. P. 12(h)(3).

AFFIRMED.[2]

[2] We deny as moot the motions to file supplemental exhibits and a supplemental brief. Dkts. 7, 15.

APPENDIX B

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MARLON ABRAHAM ROSASEN, *et al.*,

Plaintiffs,

KINGDOM OF NORWAY, *et al.*,

Defendants.

JUDGEMENT

Case No. 2:21-cv-6811-SPG(SP)

Pursuant to the Order Accepting Findings and Recommendations of United States Magistrate Judge,

IT IS HEREBY ADJUDGED that the First Amended Complaint and this action are dismissed with prejudice and without leave to amend.

Dated: September 21, 2022

(HER HONORS SIGNATURE)

HONORABLE SHERILYN PEACE GARNETT
UNITED STATES DISTRICT JUDGE

JS-6

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MARLON ABRAHAM ROSASEN, et al.,

Plaintiff,

v.

KINGDOM OF NORWAY, et al.,

Defendants.

Case No. 2:21-cv-06811-SPG (SP)

JUDGMENT

Pursuant to the Order Accepting Findings and Recommendation of United States Magistrate Judge,

IT IS HEREBY ADJUDGED that the First Amended Complaint and this action are dismissed with prejudice and without leave to amend.

Dated: September 21, 2022

HONORABLE SHERILYN PEACE GARNETT
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MARLON ABRAHAM ROSASEN, *et al.*,

Plaintiffs,

KINGDOM OF NORWAY, *et al.*,

Defendants.

REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Case No. 2:21-cv-6811-SPG(SP)

This Report and Recommendation is submitted to the Honorable Sherilyn Peace Garnett, United States District Judge, pursuant to the provisions of 28 U.S.C.§636 and General Order 05-07 of the United States District Court for the Central District of California.

I. INTRODUCTION

On August 24, 2021, pro se plaintiff Marlon Abraham Rosasen filed a Complaint on his and his two children's (D.T.R. and L.A.R.) behalf alleging that the Kingdom of Norway and multiple of its [3]departments and officers conspired to abduct the

---

children and remove them to Norway.[1] Plaintiff filed a First Amended Complaint ("FAC") on April 18, 2022. Docket no. 40.[2] Plaintiff filed a Second Amended Complaint ("SAC") on June 23, 2022 (docket no. 42); however, he did not have leave of court to do so.

Along with the original complaint, plaintiff filed a motion for appointment as guardian ad litem ("GAL") for D.T.R. and L.A.R. Docket no.2. The court denied the motion on September 21,2021, reasoning that plaintiff would have a potential conflict of interest in acting as his children's GAL since he is also a plaintiff in this case. Docket no. 14. Indeed, the court found the potential for conflict in this action is greater because it involves a custody dispute, and it is unclear whether plaintiff's interests are truly aligned with those of the minor plaintiffs. *Id.* at 1. Accordingly, the court ordered plaintiff to propose a different, non-conflicted GAL no later than October 22, 2021. *Id.*

On October 22, 2021, plaintiff filed a request for reconsideration of his GAL application. Docket no. 18. The court denied the request on December 2,

---

1. Throughout this report, the court uses the term "plaintiff: to refer to plaintiff Marlon A. Rosasen.

2. Plaintiff filed duplicate copies of the FAC, See docket nos. 39-40. The court here references the version entered as number 40 on the docket.

2021. Docket no. 20. In addition to reiterating that plaintiff had a potential conflict of interest with his children, the court noted that the GAL would need to obtain counsel in order to pursue the children's cl aims. *Id.* at 1-2. The court thus ordered plaintiff to, no later than December 23, 2021, retain counsel for the minor plaintiffs and have that counsel file a new GAL application. *Id.* at 2.

On December 20,2021, plaintiff filed three motions: A motion for default judgment against defendant Kingdom of Norway (docket no. 25); a motion for appointment of counsel (docket no. 26); and a motion for the court to solicit the position of the U.S. Department of State (docket no. 27). The court denied all motions on February 10, 2022 (docket no. 32) and issued two orders to show cause ("OSCs"). The first OSC required plaintiff to explain why the minor plaintiffs' claims should not be dismissed for failure to comply with the court's prior orders. OSC Re: Minors, docket no. 33. The second OSC required plaintiff to (1) clearly and unequivocally identify each of the defendants he seeks to name in this action; (2) show cause why the court should not find that the purported entity defendants are immune from suit under the Foreign Sovereign Immunities Act ("FSIA");(3) show cause why the court should not construe the claims against the purported individual defendants as claims

against Norway itself; and (4) show cause why the court should not find that the individual defendants would, in any event, be protected by common law foreign sovereign immunity. OSC Re: Jurisdiction, docket no. 34. As part of its denial of plaintiff's motion for default judgment, the court also ordered him to initiate service of process under the Hague Convention no later than March 28, 2022. Docket no. 32.

On February 25, 2022, plaintiff filed a response to the court's OSCs. P. Resp. to OSCs, docket no. 35. He then filed a request for corrections to his response on March 1, 2022. P. Corrections to Resp., docket no. 37. On March 28, 2022, he requested the Clerk of the Court's assistance with effecting service of process. Docket no. 38. As previously noted, he filed a FAC on April 18, 2022.

Liberally construing the FAC's allegations, the court finds the minor plaintiffs' claims should be dismissed for lack of legal representation and an adequate GAL; the Norwegian state is the real party in interest and so the individual defendants should be dismissed; and the court lacks jurisdiction under the FSIA to entertain the remaining claims against Norway and its departments. As such, it is recommended that the FAC be dismissed without leave to amend.

II. ALLEGATIONS OF THE FIRST AMENDED COMPLAINT[3]

The following background is taken from plaintiff's allegations in the FAC, which are unclear at times. Plaintiff's twin children, D.T.R. and L.A.R., were born abroad in 2015, and at some point, after their birth, the family lived in Norway. *See* FAC ¶¶ 64,67-69. In June of 2019, plaintiff found out that his former psychologist sent a "concern" to Norway's Child Protective Services ("NCPS"). *Id.* ¶ 67. A week later, plaintiff returned to the U.S. after being banned from Norway due to, among other things, his criminal record. *See id.* ¶¶ 58,68. On that same day, NCPS began an investigation into the children's custody and welfare. *See id.* ¶ 68.

In July of 2019, the family (i.e., plaintiff, his then-wife, and the two children) met in Denmark with the intention of returning to the U.S. *See id.* ¶¶ 70-71. The mother, however, returned to Norway, leaving

---

3. As noted above, plaintiff filed a Second Amended Complaint on June 23,2022, but did so without leave of court, and therefore the SAC should be stricken. *See* Fed. R. Civ. P. 15(a)(2). Nonetheless, the court notes that the allegations in the SAC are substantially the same as those in the FAC, particularly for purposes of the recommended ruling here. The SAC names all the defendants named in the FAC plus four additional Norwegian government officials or employees. The allegations in the FAC and SAC are also substantially the same, with the SAC adding certain allegations regarding plaintiff's communications with government officials after the filing of the FAC.

the children with plaintiff. *See id.* ¶¶ 73-76. Defendants enlisted the police to convince the mother to bring the children back to Norway in exchange for a favorable outcome to the NCPS investigation against her. *See id.* ¶¶ 75-77. Instead of cooperating, the mother alerted plaintiff, who took the children to the U.S. *See id.* ¶ 77. When NCPS learned that the children were taken to the U.S., it contacted one of the other defendants to falsely accuse plaintiff of being a violent offender. *See id.* ¶ 78. When the mother failed to join the rest of the family in the U.S. as planned, plaintiff contacted the U.S. Department of State and other individuals for assistance. *See id.* ¶¶ 82-83. In response to his attempts at reunification, the mother explained that NCPS prevented her from traveling to the U.S. due to the investigation into her parental abilities. *See id.* ¶ 83. Shortly after, plaintiff filed for separation and joint custody in Los Angeles Superior Court on September 23, 2019. *See id.* ¶ 84.

In or around October and November of 2019, defendants hired a U.S. law firm to seek the children's return to Norway under the Hague Convention. *See id.* ¶¶ 86-88. The following month, plaintiff filed an emergency motion to prevent the children's removal from Los Angeles County. *See id.* ¶ 89. Instead of appearing at the hearing on that motion, defendants filed their own sealed motion in

federal court.[4] *See id.* ¶¶ 90-91. After the federal case was filed, the mother arrived in the U.S., at which time she was served with a temporary custody order and travel ban. *See id.* ¶ 193.

Plaintiff accuses defendants of attempting to bypass U.S. law in their efforts to return the children to Norway. *See id.* ¶ 94. On January 6, 2020, after plaintiff met with his ex-wife, defendants filed a request for an arrest warrant in state court, which was granted two days later. *See id.* ¶ 96. It is unclear from the FAC what happened with that warrant. On January 10, 2020, the family court stayed plaintiff's case pending the outcome of the federal Hague Convention case filed by defendants. *See id.* ¶ 99. Plaintiff claims that defendants abused the federal judicial process in various ways. *See id.* ¶ ¶ 104-14. Ultimately, as a result of one of defendants' misrepresentations, the federal court ordered the U.S. Marshals to seize the children. *See id.* ¶ 113. On April 3, 2020, law enforcement found plaintiff in Iowa, detained him, and took the children. *See id.* ¶ 114. The children were returned to Norway shortly

---

4. Plaintiff seems to be referring to *Thea Marie Rosasen v. Marlon Abraham Rosasen, No.2*:19-cv-10742-JFW (AFMx) (C.D. Cal.) *("Rosasen I")*, and related case *In re the Application of Thea Marie Rosasen, No. 2*:20-cv-1140-JFW (AFMx) (C.D. Cal.) *("Rosasen* II"). The court takes judicial notice of the dockets in those cases. *See Reyn's Pasta Bella, LLC v. Visa USA, Inc.*, 442 F.3d 741, 746 n. 6 (9th Cir. 2006) (courts may take judicial notice of court filings in other cases).

after. *See id.* ¶ 115. Once there, NCPS took legal custody of the children but allowed the mother to retain physical custody as long as she agreed to raise them in Norway without contact with plaintiff. *See id.* ¶ 119.

Plaintiff sought relief from the Ninth Circuit, which has not yet ruled on his appeal. *See id.* ¶ 122. On December 7, 2020, defendants offered to allow the children to visit the father in the U.S., but only if he withdrew his appeal. *See id.* ¶ 129. It appears that plaintiff refused to do so.

Plaintiff also filed a request for the children's return in a Norwegian court pursuant to the Hague Convention. *See id.* ¶ 127. He claims, however, that the Oslo court overseeing the case did not give him a proper opportunity to be heard. *See id.* ¶ 130. On December 23, 2020, the court ruled against him. *See id.* ¶ 131. He alleges the decision violated international law and treaties. *See id.* The decision was affirmed by both an intermediate appeals court and the Supreme Court of Norway. *See id.* ¶¶ 11 133, 137. Plaintiff claims he has not heard from his children since November 2020. *See id.* ¶ 136.

Although not entirely clear, it appears that plaintiff claims the following violations of law: (1) deprivation of rights under color of law pursuant to 18 U.S.C. § 242; (2) interference with personal relationship and

rights to consortium; (3) conspiracy; (4) violations of the Hague Convention; (5) violations of the United Nations Convention on the Rights of the Child; (6) violations of the United Nations Universal Declaration of Human Rights; (7) deprivation of equal protection; (8)interference with Fourteenth Amendment right to familial association;(8) interference with First Amendment right to familial association;(9) unless seizure; (10) kidnapping pursuant to California Penal Code § 207; (11) abduction pursuant to California Penal Code § 278; (12) violations of California Family Law Code § 3405; (13) international child abduction; and (14) racketeering pursuant to 18 U.S.C. § 1961. *See* FAC ¶¶ 172-217. Plaintiff seeks monetary damages and restoration of the children's rights to travel to the U.S. *See id.*, Prayer for Relief.

III. STANDARD OF REVIEW

Where a plaintiff appears pro se in a civil rights case, the court must construe the pleadings liberally and afford the plaintiff any benefit of the doubt. *Karim-Panahi v. L.A. Police Dep't*, 839 F.2d 621, 623 (9th Cir. 1988) (citation omitted). But a trial court may dismiss a claim sua sponte and without notice if the claimant cannot possibly win relief. *See Omar v. Sea-Land Serv.,* Inc., 813 F.2d 986, 991 (9th Cir. 1987) (citation omitted). The complaint must both

"contain sufficient allegations of underlying facts to give fair notice and to enable the opposing party to defend itself effectively...[and] must plausibly suggest an entitlement to relief, such that it is not unfair to require the opposing party to be subjected to the expense of discovery and continued litigation." *Starr v. Baca*, 652 F.3d 1202, 1216 (9th Cir. 2011). Federal courts must examine jurisdictional issues sua sponte. *Bernhardt v. Cnty. of L.A.*, 279 F.3d 862, 868 (9th Cir. 2002) (citations omitted); Fed. R. Civ. P. 12(h)(3) ("If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.").

IV. DISCUSSION

The court has considered plaintiff's response to its OSCs and the allegations made in the FAC. For the following reasons, the court recommends dismissing the entire case with prejudice.

A. The Minor Plaintiffs' Claims Should Be Dismissed

Courts recognize that a potential conflict of interest arises when a parent and his or her minor children are litigants in the same case. *See Garrick v. Weaver*, 888 F.2d 687, 693 (10th Cir. 1989) (conflict of interest where parent and minor children were claimants to the same settlement fund). "[I]f the

parent has an actual or potential conflict of interest with his child, the parent has no right to control or influence the child's litigation." *Williams v. Super.* Ct., 147 Cal. App. 4th 36, 50 (2007).

By statute, litigants have the right to represent themselves in federal court, that is, to "plead and conduct their own cases personally." 28 U.S.C. § 1654. But "[i]t is well established that the privilege to represent oneself *pro* se provided by § 1654 is personal to the litigant and does not extend to other parties or entities. "*Simon v. Hartford Life, Inc.,* 546 F.3d 661, 664 (9th Cir. 2008) (citation omitted). In other words, pro se litigants have no authority to represent anyone other than themselves. *See Johns v. Cnty. of San Diego*, 114 F.3d 874, 877 (9th Cir.1997) (parent cannot bring action on behalf of minor without retaining counsel); *Cato v. U.S.,* 70 F.3d 1103, 1105 n.1 (9th Cir. 1995) (non-attorney may only appear in her own behalf). The Ninth Circuit has squarely held that "a parent or guardian cannot bring an action on behalf of a minor child without retaining a lawyer." *Johns*,114 F.3d at *877; accord Jie Lin v. Ashcroft,* 377 F.3d 1014, 1025 (9th Cir. 2004).

Here, as recounted above, the court has given plaintiff multiple opportunities to propose an appropriate guardian ad litem for his children and

secure counsel to represent their claims. Instead of doing so, plaintiff continues to re-litigate the issue. Namely, in his response to the court's OSCs, plaintiff claims that this litigation is motivated by his "unconditional love and dedication" to protecting the minor plaintiffs. P. Corrections to Resp. at 3. He argues that because he was himself deprived of his childhood, he "is well positioned to assure the best interests of plaintiffs during trial and or enforcement of a Default Judgment." *See id.* He again asks the court to allow his appointment as GAL or suggest an alternative solution. *Id.*

The court has already explained why it will not appoint plaintiff as GAL or allow the minor plaintiff's claims to proceed without legal representation. In short, plaintiff has at least a potential conflict of interest with his children and may not in any event assert claims on their behalf without retaining counsel. The court has no reason to doubt that plaintiff loves his children and is pursuing what he believes is the best course of action on their behalf. But that is not the legal standard the court is bound to apply. The court has given plaintiff multiple opportunities to cure these defects, yet plaintiff insists on re-litigating his ability to serve as GAL. Accordingly, the court recommends dismissal of the minor plaintiffs' claims.

B. The Individual Defendants Should Be Dismissed

In its OSC regarding jurisdiction, the court ordered plaintiff to clearly and unequivocally identify each of the defendants he seeks to name in this action, including foreign states, political subdivisions, agencies, instrumentalities, and individuals. OSC Re: Jurisdiction at 11. Plaintiff responded that "[t]he Court rightly construe[d] the Complaint as against Norway itself." P. Resp. to OSCs at 5. But plaintiff also states that "[t]he individual named defendants acted as agents and or employees of the foreign sovereign and upon its instructions." *Id.* Plaintiff goes on to identify as defendants all of the eighteen parties he listed in his original Complaint. *Id.*

Neither Plaintiff's response to the OSC nor the FAC resolve the court's confusion. On one hand, he continues to identify all of the original parties as defendants. On the other, he states that his complaint is rightly construed as against Norway itself.

In light of plaintiff's response, the court construes the FAC as filed against Norway and the six political subdivisions, agencies, or instrumentalities listed in the FAC ("the entity defendants"), including: The County Governor of Oslo

and Viken[5] ; Norway's Ministry of Justice and Public Security, Department of Civil Affairs; Norway's Ministry of Children and Families; Norway's Directorate of Children, Youth, and Family Affairs; Oslo Child Protective Services, Measure Section; and Norway's Ministry of Health and Care Services for Oslo University Hospital.

The court recommends dismissal of the individual defendants: Valgerd Svarstad Haugland; Suzanne Rusten; Hanna Kristiane Rummelhoff; Hege Skaarnes Nyhus; Linn Krosveen; Mari Trommald; Per Helge Nesse Rise; Maria Knudsen; Silje Erake Gudmestad; Annette Sophie Lorck-Falk; and Thale Bostad.[6] In the FAC, plaintiff states that these individuals "are employees of the foreign Sovereign and acted within the scope of their employment and upon instruction of the foreign Sovereign['s] instrumentalities and agencies." FAC ¶ 36. And as previously noted, he confirms that the complaint is rightly construed as against Norway

---

5. In its OSC regarding jurisdiction, the court assumed that plaintiff intended to name the office of the County Governor of Oslo and Viken, rather than the individual who occupies that position. OSC Re: Jurisdiction at 5 n.2. The FAC clarifies that plaintiff intended to name both the office and the individual (i.e., Haugland). *See* FAC ¶ 27.

6. Were the SAC to be allowed, the additional individual defendants named therein-Lene Smith Walaas, Asne Karlsen Bellika, Jan Kato Fremstad, and Suzan Serdashti-should likewise be dismissed.

itself. Indeed, throughout the FAC, he makes clear that his quarrel really is with the Norwegian government. He alleges that Norway's judicial history shows systematic flaws in its ability to protect family rights and a "rampant chauvinistic belief' that it is better to raise children in Norway than anywhere else. *See id.* ¶¶ 2, 48, 50. He also claims that the European Court of Human Rights has found Norway guilty of violating the rights of families on eight occasions since 2018. *Id.* ¶ 49. According to plaintiff, the European Union and the United Nations have demanded judicial and legislative change. *Id.* ¶ 50.

In light of these allegations, the individual defendants should be dismissed from this action. *See Samantar v. Yousuf*, 560 U.S. 305, 325, 130 S. Ct. 2278, 176 L. Ed. 2d 1047 (2010) ("[I]t may be the case that some actions against an official in his official capacity should be treated as actions against the foreign state itself, as the state is the real party in interest." (citation omitted)). *Odhiambo* v. *Republic of Kenya*, 930 F. Supp. 2d 17, 34-35 (D.D.C. 2013) (treating suit against individual officials acting in their official capacity as a suit against the foreign state); *Gomes v. Angop*, 2012 WL 3637453, at *18-19 (E.D.N.Y. Aug. 22, 2012) (real party in interest was foreign state where plaintiff made only official-capacity claims).

C. Plaintiff's Claims Against Norway and Its Departments Should Be Dismissed

In light of the court's recommendation to dismiss the individual defendants, the only remaining claims are those raised against Norway and the six political subdivisions, agencies, or instrumentalities identified above. These claims should be dismissed for lack of jurisdiction.

The Foreign Sovereign Immunities Act is the "'sole basis' for obtaining jurisdiction over a foreign state in a civil action." *Broidy cap. Mgmt., LLC v. State of Qatar*, 982 F. 3d 582, 589, (9th Cir. 2020) (quoting *Republic of Argentina v. Weltover, Inc.*, 504 U.S. 607, 611, 112, S. Ct. 2160, 119 L. Ed. 3d 394 (1992)). A" foreign state," except as that term is used in §1608 of the FSIA, includes its political subdivisions, agencies, and instrumentalities. 28 U.S.C. § 1603(a). An agency or instrumentality of a foreign state refers to any entity:

(1) which is a separate legal person, corporate or otherwise, and (2) which is an organ of a foreign state or political subdivision thereof, or a majority of whose shares or other ownership interest is owned by a foreign state or political subdivision thereof, and (3) which is neither a citizen of a State of the United States as defined in section 1332(c) and (e) of this title, nor created under the laws of any third country.

28 U.S.C. § 1603(b). Federal courts have automatic personal jurisdiction over a foreign state if one of the FSIA's enumerated exceptions to sovereign immunity applies (*see* 28 U.S.C. ¶¶ 1604, 1605, 1607) and service of process has been accomplished pursuant to § 1608 of the FSIA. *See Samantar*, 560 U.S. at 324 n. 20 (quoting 28 U.S.C. § 1330(b)).

Here, the entity defendants appear to be within the definition of foreign states, political subdivisions, agencies, or instrumentalities. But to exercise jurisdiction over these entities, one of the FSIA's exceptions to sovereign immunity must apply. Plaintiff argues that the court has jurisdiction over the entity defendants pursuant to two separate FSIA exceptions, the commercial activity and the tortious activity exceptions. *See* P. Resp. to OSCs at 3. The court disagrees.

1. The FSIA's Commercial Activity Exception Is Inapplicable

The FSIA's commercial activity exception provides that foreign states are not immune from this court's jurisdiction in actions: based upon a commercial activity carried on in the United States by the foreign state; or upon an act performed in the United States in connection with a commercial activity of the foreign state elsewhere and that act causes a direct effect in the United States[.]

28 U.S.C. § 1605(a)(2). When analyzing whether this exception applies, courts must first identify the particular conduct on which the action is "based" for purposes of the FSIA. *Saudi Arabia v. Nelson*, 507 U.S. 349, 356, 113 S. Ct. 1471, 123L. Ed. 2d 47 (1993). The next question is whether that conduct constitutes "commercial activity." *Id.* at 358-59.

a. Conduct on Which This Action Is Based

The Supreme Court has defined the FSIA as "based upon" language to refer to conduct that forms the "basis" or "foundation" for a claim. *Id.* at 356 (citation omitted).

Generally speaking, plaintiff alleges that defendants conspired to abduct his children under color of law and are now denying him parental consortium. *See* FAC ¶¶ 5, 41, 52. In support of their conspiracy, defendants allegedly used their governmental authority to, among other things, begin an investigation into the children's welfare based on defamatory allegations and send Norwegian police to intimidate plaintiff's ex-wife. *See id.* ¶¶ 68, 75, 78. Plaintiff claims defendants also hired a U.S. law firm to facilitate the children's abduction by presenting false evidence to American courts and violating procedures. *See id.* ¶¶ 30, 86-88, 92-96, 100, 102-107, 109-14, 117.

The Supreme Court's findings in *Saudi Arabia v. Nelson* are particularly instructive for identifying the basis of this lawsuit. In *Nelson*, an American signed a contract to work as a system engineer at a hospital owned and operated by Saudi Arabia in that country. 507 U.S. at 351. After several months of working at the hospital, Nelson discovered safety defects in its oxygen and nitrous oxide lines that posed fire hazards and endangered patients' lives. *Id.* at 352. He repeatedly reported the defects to the hospital and a Saudi government commission. *Id.* After multiple reports, government agents arrested him and subsequently imprisoned and tortured him for over a month. *See id.* at 352-53. Upon returning to the U.S., he and his wife sued the Saudi government and its agents, including the hospital, for intentional torts, negligence, and derivative injuries. See *id.* at 353-54.

In identifying the particular conduct on which the plaintiffs' action was based, the Supreme Court distinguished between the activities that formed the basis for the action from those that led to the conduct that eventually injured the plaintiffs. *See id.* at 358. The Court found that the Saudi government's recruitment and employment of Nelson were commercial activities but not the bases for the plaintiffs' suit. *See id.* Instead, the Court defined the basis for the suit as the Saudi government's abuse of its police power. *See id.* at 361.

Although this is a child abduction case and *Nelson* involved a wrongful arrest and torture by a foreign government, defendants alleged misconduct here also boils down to an abuse of their police power. Plaintiff is essentially claiming that defendants abused their sovereign power to regular child welfare and custody proceedings. This abuse of power is the basis or foundation of plaintiff's allegations. Plaintiff alleges that defendants took multiple discreet actions in support of their conspiracy, including hiring a U.S. law firm to seek the children's return in U.S. courts. Such incidental activities, however, do not form the basis for this action for purposes of analyzing the commercial activity exception because they alone would not entitle plaintiff to any relief if proven at trial.

b. Defendants Alleged Misconduct Does Not Constitute Commercial Activity

The FSIA defines commercial activity as "either a regular course of commercial conduct or a particular commercial transaction or act." 28 U.S.C. § 1603(b). "The commercial character of an activity shall be determined by reference to the nature of the course of conduct or particular transaction or act, rather than by reference to its purpose." *Id.* Thus, "[e]ven if performed with a public purpose in mind, acts by governmental entities are considered commercial in

nature if the role of the sovereign is one that could be played by a private actor." *Park v. Shin*, 313, F. 3d 1138, 1145, (9th Cir. 2002) (citing *Weltover*, 504, U.S. at 614-15). The alleged misconduct in this case – defendants' abuse of their sovereign power to regulate child welfare and custody proceedings – is like the kind of activity that courts have found to be non-commercial. Compare *Nelson*, 507 U.S. at 351 (injuries resulting from unlawful detention and torture by foreign government are not based on commercial activity); *Cicippio v. Islamic Republic of Iran*, 30 F.3d 164, 167-68 (D.C. Cir. 1994) (kidnapping by a foreign government is not a commercial activity); *De Letelier v. Republic of Chile*, 748 F.2d 790, 797 (2d Cir. 1984) (government-sponsored assassination is not commercial activity) with *Weltover*, 504 U.S. at 617, 620 (Argentina's issuance of government bonds was a commercial activity because it participated in the bond market in the manner of a private actor); *Adler v. Fed. Republic of Nigeria*, 219 F.3d 869, 871 (9th Cir. 2000) (entering into an illegal contract to convert government funds for personal use constitutes commercial activity). These outcomes are consistent with Congress's intended interpretation of the term "commercial." *See* H.R. Rep. No. 94-1487, at 16 (1976) ("Activities such as a foreign government's sale of a service or product, its leasing of property, its borrowing of money, its

employment or engagement of laborers, clerical staff public relations or marketing agents or its investment in a security of an American corporation, would be among those included within the definition [of commercial activity]."). And at least one federal court has held that the commercial activity exception does not apply to child abduction cases. *See Singh v. Commonwealth of Australia*, 521 F. Supp. 2d 91, 91-92 (D.D.C. 2007) (attempt to invoke commercial activity exception in FSIA action alleging a conspiracy to kidnap a child "meri[ed] little discussion"). For these reasons, plaintiff's reliance on the FSIA's commercial activity exception should be rejected.

2. The FSIA's Tortious Activity Exception Is Inapplicable

The FSIA's tortious activity exception permits jurisdiction where: money damages are sought against a foreign state for personal injury or death, or damage to or loss of property, occurring in the United States and caused by the tortious act or omission of that foreign state or of any official or employee of that foreign state while acting within the scope of his office of employment ... 28 U.S.C. § 1605(a)(5). "Although the actual words of the statute require only that a claimant's injury occur in the United States..., the Supreme Court has stated that

this exception 'covers only torts occurring within the territorial jurisdiction of the United States[.]'" *Broidy*, 982 F.3d at 590 (quoting *Argentine* Republic v. *Amerada Hess Shipping Corp.*, 488 U.S. 428, 441, 109 S. Ct. 683, 102 L. Ed. 2d 818 (1989)). In addition, the exception does not apply to claims (1) "based upon the exercise or performance or the failure to exercise or perform a discretionary function regardless of whether the discretion be abused" or (2) "arising out of malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights." 28 U.S.C. § 1605(a)(5)(A) to (B).

Here most of the torts allegedly perpetrated by defendants took place in Norway. *See* generally FAC. The tortious activity exception would not apply to such acts. However, plaintiff also alleges that defendants committed several torts in the U.S. in connection with the prior Hague Convention litigation that resulted in the minor plaintiffs' return to Norway. *See, e.g., id.* ¶¶ 86-88, 92,94-95, 102, 104, 109, 111, 113, 117. Although the exception would apply to such misconduct, there are several problems with that group of allegations.

a. Plaintiff's Claims Arising From Conduct in the U.S. Are Frivolous

A frivolous complaint "lacks an arguable basis either in law or in fact." *Neitzke* v. *Williams,* 490 U.S.

319, 325, 109 S. Ct. 1827, 104 L. Ed. 2d 338 (1989). Federal courts cannot entertain claims, otherwise within their jurisdiction, that are "so attenuated and unsubstantial as to be absolutely devoid of merit,... wholly insubstantial,... obviously frivolous,. . . plainly unsubstantial,...or no longer open to discussion." *Hagans v. Lavine,* 415 U.S. 528, 536-37, 94 S. Ct. 1372, 39L. Ed. 2d 577 (1974) (cleaned up). Courts may sua sponte dismiss a factually frivolous complaint at any time. *See, e.g., Decormier v. Nationstar Servicers, LLC,* 2020 WL 5989180, at *1-2 (E.D. Cal. Oct.9, 2020) (compiling cases). Plaintiff's claims here that defendants were extensively involved in litigating the prior federal cases appear baseless. In those cases, his ex-wife, not defendants, sued plaintiff for wrongfully removing his children from Norway in violation of his ex-wife's rights to custody. *See Rosasen* I, docket no. 96 at 1. A review of the docket in those proceedings shows that none of the defendants were parties or otherwise significantly involved in that litigation. *See e.g., id.*, docket no. 3 (notice of interested parties does not list defendants); *Rosasen* II, docket no. 14, (same). Indeed, the only direct accusation against the Norwegian government in those cases is buried in a declaration signed by the plaintiff. In passing, plaintiff claimed that the Norwegian government paid for his ex-wife's legal representation and was the

one "who want[ed] the children to [sic] Norway and who after exerting pressure on my poor wife for months finally go her to claim/file a false Hague case." *Rosasen* I, docket no. 95 at 17-18; *See Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129, S. Ct. 1937, 173 L. Ed. 2d. 868 (2009) (the Rule 8 plausibility standard "asks for more than a sheer possibility that a defendant has acted unlawfully" (citation omitted)). In this case, plaintiff completely shifts the blame for the prior litigation to defendants. This new angle differs from plaintiff's position in the prior litigation, where plaintiff mostly accused his ex-wife, her mother, and her ex-wife's counsel of the same misconduct alleged in this case, including perjury, fraud on the court, kidnapping, harassment, and constitutional torts. *See Rosasen* I, docket no. 28, ("Answer") at 9-10, 12, 24-29. Plaintiff does not explain why his theory of the case has changed so dramatically, which raises suspicion that be may be trying to get a second bite of the apple. *See Decormier*, 2020 WL5989180, at *1-2 (finding suit factually frivolous based on misrepresentations in instant case, and similar issues raised in a different case pending before the court). The court thus recommends dismissal of the remaining claims as frivolous.

b. Plaintiff's Claims Arising From Conduct in the U.S. Are Barred by Issue Preclusion

In the alternative, even if the court accepted plaintiff's allegations as plausible, issue preclusion would bar his claims relating to tortious activity in the U.S. "The related doctrines of claim and issue preclusion, by precluding parties from contesting matters that they have had a full and fair opportunity to litigate, protect against the expense and vexation attending multiple lawsuits, conserve judicial resources, and foster reliance on judicial action by minimizing the possibility of inconsistent decisions." *Media Rts. Techs., Inc. v. Microsoft Corp.*, 922 F.3d 1014, 1020 (9th Cir.2019) (cleaned up; quoting *Taylor* v. *Sturgell,* 553 U.S. 880, 892, 128 S. Ct. 2161, 171 L. Ed. 2d 155 (2008)). Issue preclusion, also known as collateral estoppel, applies if: (1) the issue at stake is identical to the one alleged in the prior litigation; (2) the issue was actually litigated by the party against whom preclusion is asserted; and (3) the determination in the prior litigation was a critical and necessary part of the judgment in the earlier action. *See Sandoval* v. *Ali,* 34 F. Supp. 3d 1031, 1042 (N.D. Cal. 2014) (citing *Gospel Missions of Am. v. City of L.A.,* 328 F.3d 548, 553-54 (9th Cir.2003)).

As previously explained, the tortious activity exception could only apply in this case to the alleged torts perpetrated in connection with the prior federal cases in the U.S. To summarize, plaintiff claims the

Hague Convention petition allegedly filed by defendants falsely accused him of international child abduction and misstated facts in an effort to violate his fundamental rights. *See* FAC ¶¶ 86-87. In fact, he alleges that opposing counsel, at defendants' direction, misled the court throughout the case to accomplish their goal of returning the children to Norway. *See id.* ¶¶ 109, 111, 113, 117. He also argues that the petition was procedurally flawed and intentionally bypassed several U.S. laws. *See id.* ¶¶ 88, 92, 94, 102, 104.

Plaintiff litigated each of these issues in the prior litigation. In those cases, also claimed that the Hague petition was based on false and unsubstantiated allegations and intended to violate his constitutional rights *(see Rosasen* I, Answer at 9); that it was forum-shopped, violated multiple rules and laws, and sought to bypass the U.S. legal system (*see id.* at 9,32); and that opposing counsel repeatedly lied to the court (*see id.* at 9, 12, 24-25, 27, 29). The court's rejection of plaintiff's contentions was critical and necessary to the judgment in favor of his ex-wife. Had the court found merit in any of these issues, it would not have granted the petition and ordered the immediate return of the children to Norway. In sum, plaintiff's claims are little more than a recitation of the same issues raised in the prior litigation. As already explained, preclusion doctrines have

multiple purposes, including minimizing possible inconsistent decisions. That consideration is all the more important in this case given that plaintiff's appeal of the prior judgment granting his ex-wife's Hague petition is still pending. *See Thea Rosasen* v. *Marlon Rosasen,* docket no. 20-55459 (9th Cir.). Accordingly, the court should find that issue preclusion bars plaintiff's remaining tortious claims.

c. The Tortious Activity Exception Does Not Apply Because of the Malicious Prosecution and Abuse of Process Exclusions

Finally, the exclusion from the tortious activity exception of claims arising out of malicious prosecution and abuse of process bars plaintiff's tort claims based on the prior federal cases. *See* 28 U.S.C. § 1605(a)(5)(B).

It is unclear whether Congress intended to define the terms "malicious prosecution" and "abuse of process" in the FSIA according to a federal standard or to the forum's state law. *Blaxland v. Commonwealth Dir. Of Pub. Prosecutions*, 323 F. 3d. 1198, 1204 (9th Cir. 2003); but cf. *Cassier v. Thyssen-Bornemisza Collection Found.*, _U.S._, 142 S. Ct. 1502, 1507-08, 212 L. Ed. 2d 451 (2022) (courts must apply the forum state's choice-of-law rule to determine what substantive law to apply when a party raises non-federal claims against a foreign

state). Regardless, both California law and general legal principles conceptualize malicious prosecution and abuse of process as the wrongful use of legal process. *See Blaxland*, 323, F. 3d at 1204.

Under California law, a litigant may bring a claim for malicious prosecution if a prior action (1) was commenced by or at the direction of the defendant and was pursued to a legal termination in plaintiff's favor; (2) was brought without probably cause; and (3) was initiated with malice. *Zomos v. Stroud*, 32 Cal. 4th 958, 965, 12 Cal. Rptr. 3d 54, 87 P. 3d 802 (2004) (citation omitted). In the federal context, the tort of malicious prosecution is reserved for criminal proceedings lacking probable cause. See Restatement (Second) of Torts § 653 (Am. L. Inst. 1977). The civil alternative is the tort of wrongful civil proceedings, which applies to anyone "who takes an active in the initiation, continuation or procurement of civil proceedings against another" (1) without probable cause and with a primary purpose other than to secure the proper adjudication of the claim, and (2) the action was resolved in favor of the person against whom it was brought. *See Id.* § 674. To establish a claim for abuse of process under California law, a party must show that the defendant "(1) contemplated an ulterior motive in using the process; and (2) committed a willful act in the use of the process not proper in the regular conduct of the

proceedings." *Brown v. Kennard*, 94 Cal. App. 4th 40, 44, 113 Cal. Rptr. 2d 891 (2001) (citation omitted). "The essence of the torts is misuse of the power of the court; it is an act done in the name of the court and under its authority for the purpose of perpetrating an injustice." *Id.* (cleaned up). Similarly, the Restatement (Second) of Torts provides that "[o]ne who uses a legal process, whether criminal or civil, against another primarily to accomplish a purpose for which it is not designed, is subjected to liability to the other for harm caused by the abuse of process." Restatement (Second) of Torts § 682.

Here, plaintiff does not explicitly bring claims for malicious prosecution or abuse of process. In fact, he would not meet the standard for malicious prosecution because the prior litigation resolved in favor of his ex-wife. But the language of the exclusion covers any claims "arising out of" malicious prosecution or abuse of process, even if the litigant does not raise those specific claims. *See Khochinsky v. Republic of Poland*, 1 F.4th 1, 11 (D.C. Cir. 2021) (holding that First Amendment retaliation and tortious interference claims arose out of an alleged abuse of process). Plaintiff alleges that defendants brought the Hague cases without probable cause and with the intent to violate his fundamental rights. *See* FAC ¶¶ 86-87. Defendants then proceeded to abuse the judicial process by violating procedural and

substantive rules and misrepresenting facts to the court. *See id.* ¶¶ 88, 92, 94, 102, 104, 111, 113, 117. It is unclear which of the causes of actions listed in the FAC apply to these specific allegations. But regardless of how plaintiff pled his complaint, any legal claims covering these allegations would "arise out" of a malicious prosecution and abuse of process allegedly perpetrated by defendants. Accordingly, the exclusions found in § 1605(a)(5)(B) of the FSIA bar all claims that plaintiff intended to raise in connection with the prior litigation.

For these reasons, the court recommends finding that the FSIA's tortious activity exception is also inapplicable.[7] Accordingly, there is no basis for jurisdiction under the FSIA, and plaintiff's claims should be dismissed. *See, e.g., Rizvi v. Dep't of Soc. Servs.*, 828 F. App'x 818, 819-20 (3rd Cir. 2020). (no FSIA jurisdiction where father alleged Switzerland

---

7 In its OSC regarding jurisdiction, the court noted that plaintiff's claims may also be barred by the discretionary function exclusion to the tortious activity exception. See OSC Re: Jurisdiction at 7-8. Plaintiff responded that defendants also violated multiple Norwegian laws as a result of their conspiracy to abduct his children. See P. Resp. to OSCs at 10. The discretionary function exclusion does not apply when a foreign state violates its own internal law. See Lie v. Republic of China, 982 F. 2d 1419, 1431 (9th Cir. 1989). At this time, the court is not in a position to resolve plaintiff's argument that defendants violated Norwegian law. Accordingly, the court does not recommend the discretionary function exclusion as a basis for dismissal.

colluded with U.S. agencies to interfere with his parental rights by raising false allegation of child abuse).

D. Leave to Amend Would Be Futile

The court generally must give a pro se litigant leave to amend his complaint "unless it determines that the pleading could not possibly be cured by the allegation of other facts." *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir.2000) (en banc) (internal quotation marks omitted). Thus, before a pro se civil rights complaint may be dismissed, the court must provide the plaintiff with a statement of the complaint's deficiencies. *Karim-Panahi*,839 F.2d at 623-24. But where amendment of a pro se litigant's complaint would be futile, denial of leave to amend is appropriate. *See James v. Giles*, 221 F.3d 1074, 1077 (9th Cir.2000).

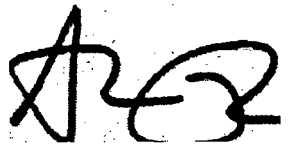
Here, the court sees no plausible way to amend the allegations to meet any of the exceptions for jurisdiction under the FSIA. The SAC plaintiff filed does nothing to correct the identified defects, nor could it. No amendment could possibly make the basis for plaintiff's complaint a commercial activity. And even if plaintiff provided an explanation for why the allegations subject to the tortious activity exception are not frivolous or precluded, they would still arise out of an alleged malicious prosecution or

abuse of process. Thus, because leave to amend would be futile, dismissal without leave to amend is warranted.

V. RECOMMENDATION

IT IS THEREFORE RECOMMENDED that the District Court issue an Order:(1) approving and accepting this Report and Recommendation; (2) striking the Second Amended Complaint as improperly filed; and (3) directing that Judgment be entered dismissing the First Amended Complaint and this action with prejudice and without leave to amend.

DATED: July 14, 2022



SHERI PYM

United States Magistrate Judge

APPENDIX C
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 22-55980

MARLON ABRAHAM ROSASEN AND D.T.R., a minor and L.A.R., AS GUARDIAN AD LITEM FOR

Plaintiffs-Appellants,

v.

KINGDOM OF NORWAY, as Responsible Party for the Following Agencies and Instrumentalities; *et al.*,

Defendants-Appellees.

ORDER

Appeal from the United States District Court for the Central District of California - Los Angeles
D.C. No. 2:21-cv-06811-SPG-SP
FILED JUN 13 2024
Dkt. Entry 20

Before: BENNETT, BADE, AND COLLINS, Circuit Judges.

The panel has voted to deny the petition for rehearing en banc. The full court has been advised of the petition for rehearing en banc and no judge has requested a vote on whether to rehear the matter en banc. *See* Fed. R. App. P.35.

The petition for rehearing en banc, Dkt. 19, is **DENIED.**

APPENDIX D

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

No. 21-cv-06811-JWH(SP)

Marlon Abrham Rosasen

Plaintiff(s)

v.

Kingdom of Norway

Defendant(s)

ORDER RE TRANSFER PURSUANT TO GENERAL ORDER 21-01 (RELATED CASES)

CONCENT

TRANSFER ORDER DECLINED

DECLINATION

I hereby decline to transfer the above-entitled case to my calendar for the reasons set forth:
(*Unreadable handwriting, See next page.)*

Date 9/9/21 United States District Judge

REASON FOR TRANSFER AS INDICATED BY COUNSEL

Case2:19-cv-10742JFW(AFMx)and the present case:

□ A. Arise from the same or closely related transactions, happenings or events; or

□ B. Call for determination of the same or substantially related or similar questions of law and fact; or

□ C. For other reasons would entail substantial duplication of labor if heard by different judges; or

□ D. Involve one or more defendants from the criminal case in common, and would entail substantial duplication of labor by different judges (applicable only on civil forfeiture action).

NOTICE TO COUNSEL FROM CLERK

Pursuant to the above transfer, any discovery matters that are or may be referred to a Magistrate Judge are hereby transferred from Magistrate Judge_____ to Magistrate Judge_____. On all documents subsequently filed in this case, please substitute the initials J_____after the case number in place of the initial of the prior judge, so that the case number will read_____. This is very important because the documents are routed to the assigned judges by means of these initials.

TRANSFER ORDER DECLINED

cc: □ Previous Judge □ Statistics Clerk

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

MARLON ABRAHAM ROSASEN, et al., Plaintiff, v. KINGDOM OF NORWAY, et al., Defendants.	Case No. 2:21-cv-06811-SPG (SP) **ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the First Amended Complaint, records on file, and the Report and Recommendation of the United States Magistrate Judge. Further, the Court has engaged in a de novo review of those portions of the Report to which plaintiff has objected. The Court accepts the findings and recommendation of the Magistrate Judge.

//

//

IT IS THEREFORE ORDERED: (1) the Second Amended Complaint is stricken as improperly filed; and (2) Judgment will be entered dismissing the First Amended Complaint and this action with prejudice and without leave to amend.

DATED: September 19, 2022

HONORABLE SHERILYN PEACE GARNETT
UNITED STATES DISTRICT JUDGE

Additional material from this filing is available in the Clerk's Office.