

‘ APPENDIX A ’

“ REFORMATTED BY BEAVERS TO COMPLY WITH

RULE 33 AND BOOKLET FORMAT 6.125 BY 9.25 “

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CASE : NO. 17 – 16346

D.C. No.

1 : 17 – CV – 00647 – LJO – JLT

EASTERN DISTRICT OF CALIFORNIA, FRESNO

ORDER

JUSTIN TERRELL BEAVERS – PLAINTIFF/

APPELLANT

V.

SCHNEIDER NATIONAL, INC. –

DEFENDANT/APPELLEE

Before : TASHIMA, W. FLETCHER, and TALLMAN, Circuit
Judges.

Upon a Review of the record, the responses to the order to show cause, and the opening brief filed on July 13, 2017, we conclude this appeal is frivolous. We therefore deny appellants motion to proceed in forma pauperis (Docket Entry No. 4), see 28 U.S.C. 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

All other pending motions are denied as moot.

DISMISSED.

FILED

NOV 16, 2017

MOLLY C. DWYER, CLERK

U.S. COURT OF APPEALS

‘ APPENDIX B ‘

**“ REFORMATTED BY BEAVERS TO COMPLY WITH
RULE 33 AND BOOKLET FORMAT 6.125 BY 9.25.”**

**Kern County Superior Court – Metropolitan
Division**

REGISTER OF ACTIONS

CASE NO. BCV – 17 – 100611

BEAVERS VS SCHNEIDER NATIONAL INC.

LOCATION : B – CIVIL

JUDICIAL OFFICER : Chapin, Sidney P.

Filed on : 03/20/2017

CASE INFORMATION

Case Type : 16 – CV Fraud – Civil Unlimited

Case Status : 05/09/2017 Out Court Control

PARTY INFORMATION

Plaintiff : BEAVERS, JUSTIN TERRELL

PRO SE, 661 – 432 – 4817(H)

Defendant : SCHNEIDER NATIONAL, INC.

EVENTS AND ORDERS OF THE COURT

EVENTS :

- 03/20/2017 : Complaint, Party Plaintiff Beavers,
Justin Terrell
- 03/20/2017 : Civil Case Cover Sheet (CM-010)
 - 03/20/2017 : Request to waive court fees
- 03/20/2017 : Request to waive additional court fees
 - 03/23/2017 : Order to show cause
RE : 3.110

Hearing date : 07/06/2017

Hearing time : 8:30 AM

Hearing Department/Division : 6

- 03/23/2017 : Rejection/ Correction Notice
- 03/23/2017 : Initial order on Court fee waiver –
Granted (Judicial Officer : Chapin, Sidney P.)

Request to waive court fees granted by Judge Chapin
as to Justin Beavers

Request for additional Fees denied by Judge Chapin
as to Justin Terrell Beavers

- 04/03/2017 : Summons Issued and Filed
Return Via Counter
- 04/18/2017 : Proof of Service – Summons/ Complaint
As to Schneider National, Inc. Personal Service
Service Date : 04/10/2017
Part : Plaintiff Beavers, Justin Terrell
- 05/09/2017 : Notice of removal of action (JBSIS)
Filed by Sabrina A. Beldner. ESQ
Party : Defendant Schneider National, Inc.
- 05/11/2017 : Request for Entry of Default not entered
For the following reason(s) : Case has been removed
to Federal District Court
Party : Plaintiff Beavers Justin Terrell

- 05/18/2017 : Mail Returned Undelivered
- 05/22/2017 : Mail Returned Undelivered

HEARINGS :

- 05/12/2017 : Ruling (10:00 AM) (Judicial Officer :
Chapin, Sidney P.(Location : Bakersfield
Department 4)
Ruling ;
Journal Entry Details :
Having action been removed to Federal District
Court, the above entitled matter is classified “ Out of
Court’s Control”. Case Management Conference
scheduled for 9/19/2017 is vacated. Copy of minute
order is mailed to all parties as stated on the
attached declaration of mailing :
Ruling
- 07/06/2017 : Canceled Order to show cause – CRC
3.110 (8:30 AM) (Judicial Officer : Chapin, Sidney P. ;
Location : Bakersfield Department 4)
Proof of service filed
- 09/19/2017 : Cancelled Case management conference
(8 :00 AM) (Judicial Officer : Chapin, Sidney P.
;Location : Bakersfield Department 4)
Other

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‘ APPENDIX C ‘

“REFORMATTED BY BEAVERS TO COMPLY WITH

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UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF

CALIFORNIA

CASE : 1 : 17 – CV – 647 – LJO – JLT

MEMORANDUM DECISION AND ORDER RE

DEFENDANTS MOTION TO DISMISS

JUSTIN TERRELL BEAVERS – PLAINTIFF

V.

SCHNEIDER NATIONAL, INC. – DEFENDANT

Defendant Schneider National, Inc. move to dismiss pro se Plaintiff Justin Terrell Beavers complaint under Federal Rule of Civil procedure 12(b)(6) on the ground it fails to comply with federal rule of civil procedure 8 and fails to state a claim because it is unintelligible. See Doc. 3¹

The Court Agrees. Plaintiffs complaint is an eight page single spaced narrative and purports to bring twelve causes of action against defendants. The court cannot understand how the facts, as alleged, relate to defendant or could support any cause of action.

Accordingly, the court GRANTS defendants motion to dismiss WITHOUT LEAVE TO AMEND. The clerk of court is directed to CLOSE this case. IT IS SO ORDERED.

DATED : JUNE 19, 2017

/S/ Lawrence J. O'Neill

UNITED STATES CHIEF DISTRICT JUDGE

¹ Defendant further contends the complaint should be dismissed because Plaintiff failed to file a timely opposition to defendants motion to dismiss. See Doc. 6. On June 14, 2017, a week after his opposition was due, Plaintiff filed a document titled Plaintiffs " Contractual Agreement list of Settlement Options in and for Defendants, Non Negotiable. " Doc. 9. This appears to be a number of purported settlement offers from Plaintiff to Defendant, which the court cannot consider. Further, the court cannot construe the document as an opposition to Defendants motion to dismiss. Accordingly, Defendants motion to dismiss is unopposed.

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