

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JUN 19 2018

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

MAURICE R. NASH,

No. 17-17028

Plaintiff-Appellant,

D.C. No. 2:14-cv-00850-MCE-EFB

v.

Eastern District of California,  
Sacramento

WACHOVIA BANK; et al.,

ORDER

Defendants-Appellees.

Before: RAWLINSON, CLIFTON, and NGUYEN, Circuit Judges.

On November 7, 2017, the court ordered appellant to explain in writing why this appeal should not be dismissed as frivolous. *See* 28 U.S.C. § 1915(e)(2) (the court shall dismiss a case at any time if the court determines that it is frivolous).

Upon a review of the record and the response to the court's November 7, 2017 order, we conclude this appeal is frivolous.

We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 8) and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2).

**DISMISSED.**

Appendix A

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**IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:**

- 1. Motion is denied <sup>\*</sup>for a) insufficient evidence; b) insufficient cause shown; c) Debtor's redemption claim is not properly before the bankruptcy court. The claim properly should be asserted in the state court rather than this court.
- 2. Opposition is granted.

Dated: 4/26, 2004 Thomas B. Donovan  
 Honorable Thomas B. Donovan

*\* based on my oral rulings announced to the movant at hearings on April 14, 2004 and on April 21, 2004.*

*TBD*

1 MAURICE R. NASH  
2 3166 OCCIDENTAL DR. # 38  
3 SACRAMENTO, CALIFORNIA 95826  
4 424-232-3678

**FILED**  
SEP 06 2016  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY DEPUTY CLERK

7 UNITED STATES DISTRICT COURT  
8 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 MAURICE R. NASH,  
11 Plaintiff,

12 vs.

13 WACHOVIA BANK, WELLS FARGO BANK  
14 and EQUIFAX INFORMATION SYSTEM LLC.

15 And DOES 1 TO 20 inclusive(s),  
16 Defendant(s)

Case No.: 2:14-cv00850 MCE EFB PS

MOTION FOR ISSUANCE OF SUBPOENA ON  
NONPARTY ENTITY UNITED STATES  
MARSHALL OFFICE FOR THE CENTRAL  
DISTRICT.

DATE: SEPTEMBER 28, 2016  
TIME: 10:00 a.m.  
PLACE: 13 FLOOR CTRM. 8

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18 Plaintiff alleges:

19 This motion is brought pursuant to Federal Rules Civil Procedure Rule 45(a)(1)(A)(iii).

20 I

21 PERTINENT FACTS

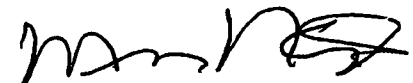
- 22 1. Correction to line 9 page 2 of defendant pleading. On March 24, 2004, plaintiff filed a Motion to  
23 Avoid Lien of WFS Financial now known as Wells Fargo Bank. Defendant Wells Fargo did  
24 response in writing and a hearing was set on the Court Calendar for April 21, 2004. At the  
25 hearing the court ruled that plaintiff did not owe the \$7000.00. Defendant Wells Fargo Bank was  
26 represented by an attorney at the hearing.  
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APPENDIX C

- 1 2. Plaintiff request the court to issue a Nonparty Subpoena to permit inspection of the Audio and  
2 Video Tape of the Honorable Judge Thomas B. Donovan courtroom for the dates April 20 to 24,  
3 2004, pursuant to Federal Rules of Civil Procedure Rule 45(a)(1)(A)(iii) under the control of the  
4 United States Marshall Office. On August 8, 2016, plaintiff visited the United States Marshall  
5 Office and was told that the information plaintiff seek is there. Plaintiff can only obtain it by  
6 Subpoena..
- 7 3. On defendant Exhibit "C", it shows that defendant Wells Fargo Bank aka Wachovia Bank and  
8 WFS Financial Inc., are California Corporations. Yet defendant does not consider any violation  
9 of California Rees-Levering Act Statute to be a cause of action.
- 10 4. The Statute states that defendant Wells Fargo Bank can not collect on a deficiency judgement  
11 from the buyer if the deposition of the repossessed motor vehicle did not conform with the  
12 provision of Civil Code Section 2983, 2983.2 and 2983.3.
- 13 5. When plaintiff received the Notice from Pacesetter, Six months had passed since the repossession  
14 of the vehicle.

15 WHEREFORE plaintiff pray the court to issue the Subpoena for the production of records,  
16 designated books, electronically stored information or tangible things in that party's possession  
17 or control for inspection or be permit to inspect at another time or place under their control.

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19 DATED: August 12, 2016



20 MAURICE R. NASH  
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