

## **Exhibit 1.**

The February 24, 2020 Order of the U.S. Court of Federal Claims that denied my Application to Proceed IFP and that ordered me to pay a filing fee.

# In the United States Court of Federal Claims

No. 20-153C

(Filed: February 24, 2020)

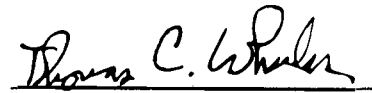
\*\*\*\*\* \*  
 \*  
 TATYANA EVGENIEVNA DREVALEVA, \*  
 \*  
 Plaintiff, \*  
 \*  
 v. \*  
 \*  
 THE UNITED STATES, \*  
 \*  
 Defendant. \*  
 \*  
 \*\*\*\*\* \*

## ORDER

Currently pending before the Court is Plaintiff Tatyana E. Drevaleva’s application to proceed *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(a), the Court may authorize the commencement and prosecution of a civil action without prepayment of fees and costs by a person who, by affidavit, demonstrates that she is unable to pay such costs.

Ms. Drevaleva, however, has brought strikingly similar claims in other federal courts, a majority of which were found to be frivolous and dismissed. In at least one appeal, Ms. Drevaleva had her *in forma pauperis* status revoked. See Drevaleva v. U.S. Dep’t of Vet. Affairs, et al., No. C 18-03748 WHA (N.D. Cal. Filed Nov. 26, 2018). Ms. Drevaleva’s repeated filings of frivolous complaints leads the Court to find that she is not entitled to a waiver of the filing fee. Accordingly, Plaintiff’s IFP Application is DENIED, and Plaintiff shall submit her filing fee within ten days of this order, or her complaint will be subject to dismissal.

IT IS SO ORDERED.

  
 THOMAS C. WHEELER  
 Judge

## **Exhibit 2.**

The March 06, 2020 Order of the U.S. Court of Federal Claims that dismissed my Complaint No. 1:2020-cv-00153-TW for my failure to pay a filing fee.

# In the United States Court of Federal Claims

No. 20-153C

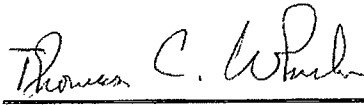
(Filed: March 6, 2020)

\*\*\*\*\* \*  
 \*  
 TATYANA EVGENIEVNA DREVALEVA, \*  
 \*  
 Plaintiff, \*  
 \*  
 v. \*  
 \*  
 THE UNITED STATES, \*  
 \*  
 Defendant. \*  
 \*  
 \*\*\*\*\* \*

## ORDER

On February 24, 2020, this Court ordered Ms. Drevaleva to pay the filing fee associated with this case by March 5, 2020, because Ms. Drevaleva previously filed strikingly similar claims in other federal courts that were dismissed as frivolous, malicious, or for failure to state a claim. Dkt. No. 5. Further, this Court informed Ms. Drevaleva that failure to comply with the order would result in the dismissal of her complaint for failure to prosecute under Rule 41(b) of this Court. As of this date, Ms. Drevaleva has not paid her filing fee. Therefore, the Clerk is directed to dismiss Ms. Drevaleva's complaint without prejudice for failure to prosecute.

IT IS SO ORDERED.

  
 \_\_\_\_\_  
 THOMAS C. WHEELER  
 Judge

### **Exhibit 3.**

The May 20, 2020 Order of the U.S. Court of Appeals for the Federal Circuit that affirmed the March 06, 2020 Order of the U.S. Court of Federal Claims.

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**TATYANA E. DREVALEVA,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2020-1671

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Appeal from the United States Court of Federal Claims  
in No. 1:20-cv-00153-TCW, Judge Thomas C. Wheeler.

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**ON MOTION**

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Before O'MALLEY, WALLACH, and STOLL, *Circuit Judges*.

PER CURIAM.

**ORDER**

Tatyana E. Drevaleva moves for an injunction pending appeal and separately moves for leave to exceed the word limit by 8,500 words for her motion. Having now considered the complaint, the judgment of the United States Court of Federal Claims, and the opening brief, we think summary affirmance is appropriate.

Ms. Drevaleva's complaint alleges wrongdoing in relation to the Department of Veterans Affairs' prior termination of her employment. On February 24, 2020, the Claims Court denied Ms. Drevaleva's application to proceed *in forma pauperis* on the ground that she "has brought strikingly similar claims in other federal courts, a majority of which were found to be frivolous and dismissed."

The Claims Court's February 24th order denying her motion for leave to proceed *in forma pauperis*, explained that "Plaintiff shall submit her filing fee within ten days of this order, or her complaint will be subject to dismissal." After she failed to do so, the case was dismissed without prejudice for failure to prosecute pursuant to Rule 41(b) of the Rules of the United States Court of Federal Claims. She then timely appealed from that judgment.

We review a denial of an *in forma pauperis* request, as well as the dismissal pursuant to Claims Court Rule 41(b), for an abuse of discretion. See *Bryant v. United States*, 618 F. App'x 683, 685 (Fed. Cir. 2015); *Colida v. Panasonic Corp. of N. Am.*, 374 F. App'x 37, 38–39 (Fed. Cir. 2010) (citing *Denton v. Hernandez*, 504 U.S. 25, 33–34 (1992)). "[S]ummary disposition is appropriate" when it "is so clearly correct as a matter of law that no substantial question regarding the outcome of the appeal exists." *Joshua v. United States*, 17 F.3d 378, 380 (Fed. Cir. 1994).

A court may, in its discretion, require the payment of the docketing fee from a litigant who has previously abused the privilege of proceeding *in forma pauperis* by pursuing repetitive or vexatious litigation. See *In re Sindram*, 498 U.S. 177, 180 (1991) (stating that a court "has a duty to deny *in forma pauperis* status to those individuals who have abused the system"); *Butler v. Dep't of Justice*, 492 F.3d 440, 445 (D.C. Cir. 2007) (recognizing authority to

deny for a filer who abused the privilege by filing multiple suits that were dismissed for failure to prosecute).<sup>1</sup>

The Claims Court found that Ms. Drevaleva falls within that category, and we discern no error, let alone abuse of discretion, in that conclusion. She has brought at least five actions concerning her termination from the Department, four of which were dismissed for failure to state a claim, lack of subject matter jurisdiction, or on *res judicata* grounds.<sup>2</sup> And at least one other court has required that she pay the docketing fee for abusing her *in forma pauperis* status. See *Drevaleva*, No. 20-00820, slip op. at \*2, \*3.

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<sup>1</sup> Sections 1915(e)(2)(B)(i), (ii), and (iii) of title 28 do not, as Ms. Drevaleva suggests, speak to that authority, let alone limit it. Instead, those provisions require a court to “dismiss the case” if it determines that the allegation of poverty is untrue or the action or appeal is frivolous, malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. Those provisions are limitations on the court’s ability to continue the adjudication of a case that is already proceeding without payment of fees, and not on the court’s authority to deny *in forma pauperis* status to a litigant who appears to abuse the judicial process.

<sup>2</sup> See *Drevaleva v. Dep’t of Veterans Affairs*, No. 18-03748 (N.D. Cal. Filed Jun. 25, 2018); *Drevaleva v. United States*, No. 19-01454 (N.D. Cal. Filed Mar. 20, 2019); *Drevaleva v. Wilkie*, No. 19-02665 (N.D. Cal. Filed May 16, 2019); *Drevaleva v. Wilkie*, No. 19-05927 (N.D. Cal. Filed Sep. 23, 2019); *Drevaleva v. United States*, No. 20-00820 (N.D. Cal. Feb. 3, 2020). Ms. Drevaleva has filed ten appeals in the United States Court of Appeals for the Ninth Circuit, six of which were filed in *Drevaleva v. Dep’t of Veterans Affairs*, No. 18-03748.



The Claims Court also acted well within its authority under Rule 41(b) to dismiss after Ms. Drevaleva failed to comply with the order directing her to pay the docketing fee. Although Ms. Drevaleva contends that the deadline was unclear, the Claims Court's one-page order clearly explained that it was due within ten days of the order and included "Filed: February 24, 2019" at the top of the order.

We also see no merit to Ms. Drevaleva's contention that the Claims Court erred in refusing to docket and consider a March 9, 2020 submission, which she says was ten days from the date she received the February 24th order. That submission was filed after the court-imposed deadline had passed and, in any event, did not include the filing fee.

Accordingly,

IT IS ORDERED THAT:

- (1) The appeal is summarily affirmed.
- (2) The motion for an injunction pending appeal is denied.
- (3) The motion for leave to exceed the word limit is granted.
- (4) All other pending motions are denied.
- (5) Each side shall bear its own costs.

FOR THE COURT

May 20, 2020  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

## **Exhibit 4.**

The May 20, 2020 Judgment of the U.S. Court of Appeals for the Federal Circuit that affirmed the March 06, 2020 Order of the U.S. Court of Federal Claims.

**United States Court of Appeals  
for the Federal Circuit**

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**TATYANA E. DREVALEVA,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2020-1671

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Appeal from the United States Court of Federal Claims  
in No. 1:20-cv-00153-TCW, Judge Thomas C. Wheeler.

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**JUDGMENT**

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THIS CAUSE having been considered, it is

ORDERED AND ADJUDGED:

**SUMMARILY AFFIRMED**

ENTERED BY ORDER OF THE COURT

May 20, 2020

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

## **Exhibit 5.**

The July 21, 2020 Order of the U.S. Court of Appeals for the Federal Circuit that denied my Petition for Panel Rehearing and my Petition for Rehearing En Banc.

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**TATYANA E. DREVALEVA,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2020-1671

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Appeal from the United States Court of Federal Claims  
in No. 1:20-cv-00153-TCW, Judge Thomas C. Wheeler.

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**ON MOTION**

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Before PROST, *Chief Judge*, NEWMAN, LOURIE, DYK,  
MOORE, O'MALLEY, REYNA, WALLACH, TARANTO, CHEN,  
HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

**O R D E R**

Tatyana E. Drevaleva moves for the court to reconsider the July 7, 2020 order denying her combined petition for panel rehearing and rehearing en banc. She also requests

that the court stay the mandate until August 20, 2020, and allow her to file additional materials by that date.

The motion was referred to the panel that heard the appeal, and thereafter the motion was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The motion is denied.

FOR THE COURT

July 21, 2020

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner  
Clerk of Court

## **Exhibit 6.**

The July 28, 2020 Order of the U.S. Court of Appeals for the Federal Circuit that denied my Motion for Reconsideration.

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**TATYANA E. DREVALEVA,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2020-1671

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Appeal from the United States Court of Federal  
Claims in No. 1:20-cv-00153-TCW, Judge Thomas C.  
Wheeler.

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**ON MOTION**

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PER CURIAM.

**ORDER**

Tatyana E. Drevaleva moves for the court to reconsider the July 7, 2020 order denying her combined petition for panel rehearing and rehearing en banc and moves to stay the issuance of the mandate.

Upon consideration thereof,



IT IS ORDERED THAT:

The motion is denied. The mandate shall issue forthwith. No further requests for reconsideration will be allowed.

FOR THE COURT

July 28, 2020  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

**Exhibit 7.**

The July 28, 2020 Mandate.

**United States Court of Appeals  
for the Federal Circuit**

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**TATYANA E. DREVALEVA,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2020-1671

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Appeal from the United States Court of Federal Claims  
in No. 1:20-cv-00153-TCW, Judge Thomas C. Wheeler.

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**MANDATE**

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In accordance with the judgment of this Court, entered  
May 20, 2020, and pursuant to Rule 41 of the Federal Rules  
of Appellate Procedure, the formal mandate is hereby  
issued.

FOR THE COURT

July 28, 2020

/s/ Peter R. Marksteiner

Peter R. Marksteiner  
Clerk of Court