

23-58175
9th Circuit FOR Naomi Bar-Lev V City of San Diego

Dear Office of the Clerk,

I ask for a 30-day extension to file the certiorari or file this as the certiorari with an extension to clarify. I have suffered the normal interferences I may have been ongoing for years but many financial hardships have arrived at my door, 2 foreclosures, an income that suffers from interferences from defendants. I experience forced entries daily, when I leave the home and sometimes as I sleep. The theft of original documents continues. The influence these officers have acquired with access of all forms of communication has had me lose a safety deposit box at Chase bank. My locked cabinets and crates inside of my home are literally broken into and important documents taken. When I order equipment online the items get returned by the local mail delivery. They create "profiles" with a secondary address that fails to include the unit number for delivery. This sometimes occurs en-route and packages are repackaged with familiar handwriting or a label will cover the original. The interference is egregious. My parked car got a hit and run ticket I had to fight. The police department will not correct the ticket or provide any evidence of the alleged incident. My daily activities have been severely handicapped. I do not have permission to make a living nor do I have protection from forced entries. Incredible road blocks are put in my way designed to debilitate me. My computer and printer have no privacy and have a registry that belongs to the police department. There isn't anyone willing to fix or prevent this because of the origin.

Listing the activities done by these officers with the aid of the other defendants would take a long time, not to mention cause great difficulty and distress. I do need the time to organize the certiorari into a concise and digestible writing.

The extra time would give the clerk time to address the barrier to notifying the defendants. A summons was never issued as the attached documents show. I also think an injunction against the defendants to provide privacy on my phone and devices that defendants Google, Microsoft (amend to include if allowed), A, T, and T. Access provided by them as they enjoyed the freedom to avoid anti-trust regulations, post 2019 has destroyed my ability to have a safe product in my devices. This is the source of the power that the defendants in the police department and their surrogates depend on. I have attached the injunction attached. The courts in California have been impacted by this access to their devices both personal and in the courts. I can show that via one IP address present on my computer and the use of SSL certificates. The courts are behind on this rapidly expanding and invasive use of technology. This needs an explanation.

All of the above is the basis of the constitution, privacy and the impact to all other constitutional rights with the loss of privacy. The lower courts have failed the constitution many in fear, I believe. I had seven recusals in a matter of days when first submitting my complaint. My complaint lay in limbo and when presenting the request for an attorney is when the judge answered with a dismissal that lacked candor. The same was repeated in the 9th district court of appeals. I am one that has lost rights enumerated in the constitution. I deserve to be heard. The Supreme Court of the land needs to protect the citizens and stand up for these rights. They are the last hope. The importance of the issues in this case, that need to be addressed sooner than later need the time to be written as coherently and concise as possible overcoming the barriers the defendants have put in my life.

RECEIVED
SEP 28 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Please note that the lower courts option to amend was to protect the defendants directly responsible for the loss of rights. This case is so important because these losses of rights are done under the color of law. With the police officers involved it meant all rights listed above. With the judge it added the loss of

Naomi Bar-Lev v. City of San Diego 9th Circuit
23-55475

the First Amendment, Due Process, Gun Rights, and an assurance that the activities of the officers would not be interfered with. The 9th circuit is fraught with conflicts of interests that may be publicized in various publications and apparent or needs further explanation in a more well written Certiorari. This matter is extremely important.

Respectfully,

Naomi Bar-Lev

Naomi Bar-Lev

2244 2nd Ave # 39
San Diego CA 92101
Phone: 619 317 3634

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAY 30 2023

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

NAOMI BAR-LEV,

Plaintiff - Appellant,

v.

CITY OF SAN DIEGO; JONATHAN DUNGAN; JASON LANGLEY; JEFFREY STEWART; MELANIE OLGUIN; KYLE OLSON; JEFFREY JORDAN; COLIN FORSEY; MIKE KELLINGTON; DAN BRINKERHOF; BRADFORD GREEN; GORDON LEEK; ALAN R. DYEMARTIN; ERIC SKYHAR; MARISSA HAUGHEY; MARISA GALLEGOS; NATALIE BIASAVICH; BRITTNY SCHARBER; BELIA ANGUIANO; CARISSA HOLCOMB; LISA KIRK; CHRISTINE CAMPBELL; GENERAL ELECTRIC COMPANY; APPLE; GOOGLE, to include Workspace; PHI; GMAIL; PIXYL PHONE; T-MOBILE; AMAZON.COM, INC.; RING CAMERA; AMAZON WEB SERVICES, INC.; MICROSOFT; AT&T CORPORATION; FARMERS INSURANCE; CALIFORNIA STATE BAR; GEEK SQUAD; NORTON LIFELOCK; GODADDY

No. 23-55475

D.C. No. 3:23-cv-00139-DMS-AHG
U.S. District Court for Southern
California, San Diego

TIME SCHEDULE ORDER

INC., to include Bask; ADT LLC;
VIVINT; ZRAY TELCO; STRATUS
MANAGEMENT; CASIOLA
HOMEOWNERS ASSOCIATION;
CHASE BANK; LUCRETIA
DOYER; JIM COLEMAN; LUKE
KLASSEN; SHARON
KALEMKIERIAN, Judge;
LAWFIRM CLAERY & HAMMOND
LLP; CHRIS MCDONOUGH;
LANCE CLAERY; FREDDY
MEDELL; VICTORIA REYNOLDS;
AVA REYNOLDS; ALEX JOSIC;
NICOLE SEGAL; PETER
BARABAS; DOES, 1-100,

Defendants - Appellees.

The parties shall meet the following time schedule.

Tue., July 25, 2023

Appellant's opening brief and excerpts of record shall be served and filed pursuant to FRAP 31 and 9th Cir. R. 31-2.1.

Failure of the appellant to comply with the Time Schedule Order will result in automatic dismissal of the appeal. See 9th Cir. R. 42-1.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

UNITED STATES COURT OF APPEALS

FILED

FOR THE NINTH CIRCUIT

JUL 27 2023

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

NAOMI BAR-LEV,

Plaintiff-Appellant,

v.

CITY OF SAN DIEGO; et al.,

Defendants-Appellees.

No. 23-55475

D.C. No.

3:23-cv-00139-DMS-AHG

Southern District of California,
San Diego

ORDER

Before: TALLMAN, N.R. SMITH, and COLLINS, Circuit Judges.

A review of the record demonstrates that this court lacks jurisdiction over this appeal because the order challenged in the appeal is not final or appealable. *See* 28 U.S.C. § 1291; Fed. R. Civ. P. 54(b); *Chacon v. Babcock*, 640 F.2d 221, 222 (9th Cir. 1981) (order disposing of fewer than all claims against all parties not immediately appealable unless district court directs entry of judgment pursuant to Fed. R. Civ. P. 54(b)); *see also* *WMX Techs., Inc. v. Miller*, 104 F.3d 1133, 1136 (9th Cir. 1997) (en banc) (“[A] plaintiff, who has been given leave to amend, may not file a notice of appeal simply because he does not choose to file an amended complaint. A further district court determination must be obtained.”).

Consequently, this appeal is dismissed for lack of jurisdiction.

All pending motions are denied as moot.

DISMISSED.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Case No.: 23-cv-139-DMS-AHG

NAOMI BAR-LEV,

Plaintiff,

v.

CITY OF SAN DIEGO, et al.,

Defendants.

**ORDER (1) GRANTING
PLAINTIFF’S MOTION TO
PROCEED IN FORMA PAUPERIS;
(2) DISMISSING COMPLAINT FOR
FAILING TO STATE A CLAIM
UPON WHICH RELIEF CAN BE
GRANTED PURSUANT TO 28 U.S.C.
§ 1915(e)(2)(B)(ii); AND (3) DENYING
AS MOOT PLAINTIFF’S MOTION
TO APPOINT COUNSEL.**

Plaintiff Naomi Bar-Lev submitted a Complaint (ECF No. 1) along with a request to proceed *in forma pauperis* (“IFP”), (ECF No. 2), and a motion to appoint counsel. (ECF No. 9.) For the following reasons, Plaintiff’s motion to proceed IFP is granted, Plaintiff’s complaint is dismissed, and Plaintiff’s motion to appoint counsel is denied as moot.

A. Motion to Proceed IFP

Plaintiff’s application to proceed IFP indicates her only sources of income are \$600 from self-employment and \$281 from public assistance. (*Id.* at 1-2.) Plaintiff reports having \$650 in a checking account, a motor vehicle worth \$600, and furniture and inventory worth \$40,000. (*Id.* at 2-3.) Plaintiff further states she is “owed” a home worth

1 \$350,000 that is contested by a lien, and is likewise “owed” other real estate worth
2 \$1,720,000. (*Id.* at 3.) It is unclear whether Plaintiff will ever obtain an ownership interest
3 in those properties. Plaintiff also states she is “filing BK [bankruptcy]” and has “not been
4 paying” her rent or home mortgage. The Court finds Plaintiff’s application and affidavit
5 are sufficient to show she is unable to pay the fees or post securities required to maintain
6 this action. *See* Civil Local Rule 3.2(a). Accordingly, Plaintiff’s motion to proceed IFP
7 pursuant to 28 U.S.C. § 1915(a) is **GRANTED**.

8 **B. Sua Sponte Screening Under 28 U.S.C. § 1915(e)(2)**

9 A complaint filed by any person proceeding IFP pursuant to 28 U.S.C. § 1915(a) is
10 subject to *sua sponte* dismissal by the court if it is frivolous, malicious, fails to state a claim
11 upon which relief may be granted, or seeks monetary relief from a defendant immune from
12 such relief. 28 U.S.C. § 1915(e)(2)(B); *see also Calhoun v. Stahl*, 254 F.3d 845, 845 (9th
13 Cir. 2001) (stating “the provisions of 28 U.S.C. §1915(e)(2)(B) are not limited to
14 prisoners). “Section 1915(e) not only permits, but requires a district court to dismiss an in
15 forma pauperis complaint that fails to state a claim.” *Lopez v. Smith*, 203 F.3d 1122, 1127
16 (9th Cir. 2000) (*en banc*); *see also Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir.
17 1998) (noting the “the language of § 1915(e)(2)(B)(ii) parallels the language of Federal
18 Rule of Civil Procedure 12(b)(6).”).

19 A complaint must have a “short and plain statement of the claim showing the pleader
20 is entitled to relief.” Fed. R. Civ. P. 8(a)(2). The complaint must “give the defendant fair
21 notice of what the claim is and the grounds upon which it rests.” *Bell Atlantic Corp. v.*
22 *Twombly*, 550 U.S. 544, 545 (2007) (cleaned up). A complaint devoid of this is subject to
23 dismissal for failure to state a claim upon which relief can be granted. *Id.* at 545-55.

24 Plaintiff brings this action against at least fifty-nine (59) Defendants who are law
25 enforcement officers, dispatchers, lawyers, a state judge and businesses, including AT&T,
26 Google, Apple, Geek Squad, Chase Bank, GoDaddy and others. (*See* Compl. at pp. 1, 16.)
27 Plaintiff allegations are disconnected and difficult to discern as she asserts multiple claims
28 based on Defendants acting “as a gang” and “picking on Jews, Asians, and Blacks and

1 those who do not help[,]” in an effort to “destroy [her] privacy” and “sabotage all attempts
2 at recovery and ... through the court ha[s] made steps to silence [her] all together[.]” (*Id.*
3 at pp. 1-2.) Plaintiff alleges claims based on these and similar allegations under 18 U.S.C.
4 § 249(3) (hate crimes), 18 U.S.C. § 241 (conspiracy against rights), 18 U.S.C. § 242
5 (deprivation of rights under color of law), 42 U.S.C. § 3631 (fair housing rights violation),
6 and 42 U.S.C. § 14141 (law enforcement misconduct). (*Id.* ¶ 19.) Plaintiff also alleges
7 torts “of a conspiratorial nature,” invasion of privacy, false reports by Psychiatric
8 Emergency Response Team (PERT), and medical fraud. (*Id.* ¶¶ 17-18.) Plaintiff seeks
9 “punitive damages to exceed \$400,000,000 million [*sic*] for the egregious nature of the
10 activities of these corporations, SDPD, and participating individuals.” (*Id.* ¶ 20.)
11 Additionally, Plaintiff seeks “an injunction to restore [her] privacy from Vivint, Google
12 with respect to products used, Microsoft, so that [she] can restore the privacy necessary for
13 a case.” (*Id.* ¶ 9.)

14 Plaintiff named San Diego Superior Court Judge Sharon Kalemkierian as a
15 defendant in this matter and attached as Exhibit 1 to her complaint an “Order on Request
16 to Keep Minor’s Information Confidential,” signed and dated by the judge on December 9,
17 2021. It is unclear what error Plaintiff assigns to Judge Kalemkierian’s handling of the
18 state court matter, but in any circumstance, judges “are granted absolute immunity for their
19 judicial actions in order to safeguard independent and principled judicial decision making.”
20 *Meek v. Cty. of Riverside*, 183 F.3d 962, 966 (9th Cir. 1999) (citing *Forrester v. White*, 484
21 U.S. 219, 226–27 (1988)). As such, Judge Kalemkierian is immune from civil liability for
22 acts performed in her judicial capacity. Plaintiff’s claims against Judge Kalemkierian are
23 therefore dismissed without leave to amend. *See Martinez v. United States*, 838 Fed.App’x
24 662, 664 (9th Cir. 2020) (affirming district court dismissal without leave to amend because
25 lawsuit challenged judicial conduct covered by immunity).

26 Apart from the allegations regarding Judge Kalemkierian, Plaintiff alleges many
27 facts which purport to be the basis for her various causes of actions. It is impossible to
28 decipher from those allegations which alleged facts alleged correspond to which claim and

1 which Defendants. Defendants are not provided with fair of what Plaintiff's claims are,
2 and the grounds upon which they rest. Plaintiff has failed to allege any plausible or
3 comprehensible claim for relief. Thus, the Complaint is dismissed in its entirety.

4 **C. Conclusion and Order**

5 For these reasons:

- 6 1. Plaintiff's Motion to Proceed IFP is **GRANTED**;
- 7 2. The Complaint is **DISMISSED** with prejudice as to claims against Judge
8 Sharon Kalemkierian for acts performed in her judicial capacity;
- 9 3. The Complaint is **DISMISSED** with leave to amend, as to all remaining
10 claims. Plaintiff may file an amended complaint within fourteen days of this
11 Order; and
- 12 4. Plaintiff's Motion to Appoint Counsel is **DENIED** as moot.

13 **IT IS SO ORDERED.**

14 Dated: May 2, 2023



15 Hon. Dana M. Sabraw, Chief Judge
16 United States District Court
17
18
19
20
21
22
23
24
25
26
27
28

FILED

FEB 22 2023

CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

To Whom It May Concern,

Case NO. 28-CV-0139-DMS-AHG

I have checked in twice to ask about the status of the summons. I have been told that the Fee Waiver is the issue at hand. Please refer to Government Code 6832 A3 and 7 and B and 6834.5. This set of codes however, not only give the guidelines for qualifying and processing, it also states an application for a fee waiver is deemed granted five court days after it is filed, unless before that time, the court gives notice of action on the application as provided in subdivision (e) of 6834.5.

This causes a concern as 4 judges have recused themselves within 2 days of my filing both the complaint and the fee waiver on January 25 of this year. My privacy has been an impediment as well causing interferences on all fronts to my rights under the constitution and allowing abuses to continue. The injunction I ask for is needed for all. The access to anybody with a cell phone, land line even, and computer by these defendants is probable and must be remedied immediately.

Naomi Barlow 2/22/2023

D.

FOR

REC.

