Appendix 1

FILED August 29, 2025

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JEFFERSON A. MCGEE,	NO. 25-1670
Plaintiff – Appellant	D.C. No.
v.	2:25-cv-00716-TLN-CSK
STATE OF CALIFORNIA,	
Defendant – Appellee	Eastern District of California, Sacramento
_____/	ORDER

Before S.R. THOMAS, SILVERMAN, and BENNETT, Circuit Judges.

This court has reviewed the March 7, 2025, notice of appeal and the district court record pursuant to the pre-filing review order entered in appeal No. 02-80037. The appeal lacks sufficient merit to proceed. *See In re Thomas*, 508 F. 3d 1225, 1227 (9th Cir. 2007). Appeal No. 25-1670 is therefore dismissed. All pending motions are denied as moot.

This order, served on the district court for the Eastern District of California, constitutes the mandate of this court.

No further filings will be entertained.

DISMISSED

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

AMENDMENT XI

Amendment 11 – Judicial Limits. The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

AMENDMENT XIV

Section 1.

Amendment 14 – Citizenship Rights. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 5.

The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

Title 18 U.S.C. §1961

(1)"racketeering activity" means (A)... section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512

(relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581–1592 (relating to peonage, slavery, and trafficking in persons)...

Title 18 U.S.C. §1962

(a) It shall be unlawful for any person who has received any income derived, directly or indirectly, from a pattern of racketeering activity or through collection of an unlawful debt in which such person has participated as a principal within the meaning of section 2, title 18, United States Code, to use or invest, directly or indirectly, any part of such income, or the proceeds of such income, in acquisition of any interest in, or the establishment or operation of, any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce. A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this subsection if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern or racketeering activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one

percent of the outstanding securities of any one class, and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

(b) It shall be unlawful for any person through a pattern of racketeering activity or through collection of an unlawful debt to acquire or maintain, directly or indirectly, any interest in or control of any enterprise which is engaged in, or the activities of which affect, interstate or foreign commerce.

(c) It shall be unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate, directly or indirectly, in the conduct of such enterprise's affairs through a pattern of racketeering activity or collection of unlawful debt.

(d) It shall be unlawful for any person to conspire to violate any of the provisions of subsection (a), (b), or (c) of this section.

Title 28 U.S.C. §1254

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

Title 28 U.S.C. § 1331

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

Title 28 U.S.C. § 1343

(a)The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

Title 42 U.S.C. §1981

(a) STATEMENT OF EQUAL RIGHTS

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like

punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

(b) "MAKE AND ENFORCE CONTRACTS" DEFINED

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship

Title 42 U.S.C. §1982

All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

Title 42 U.S.C. §1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress,...

Title 42 U.S.C. §1985

(3) DEPRIVING PERSONS OF RIGHTS OR PRIVILEGES

If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of

equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, ... the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.

Title 42 U.S.C. §1986

Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 of this title, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented;

Title 42 U.S.C. §2000a

(a) EQUAL ACCESS

All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) ESTABLISHMENTS AFFECTING INTERSTATE COMMERCE OR SUPPORTED IN THEIR ACTIVITIES BY STATE ACTION AS PLACES OF PUBLIC ACCOMMODATION; LODGINGS; FACILITIES PRINCIPALLY ENGAGED IN SELLING FOOD FOR CONSUMPTION ON THE PREMISES; GASOLINE STATIONS; PLACES OF EXHIBITION OR ENTERTAINMENT; OTHER COVERED ESTABLISHMENTS Each of the following establishments which serves the public is a place of public accommodation within the meaning of this subchapter if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) any establishment (A)(i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

Title 42 U.S.C. §2000d

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

Title 42 U.S.C. §2000d-7

(a) General provision (1) A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from suit in Federal court for a violation of section 504 of the Rehabilitation Act of 1973 [29 U.S.C. 794], title IX of the Education Amendments of 1972 [20 U.S.C. 1681 et seq.], the Age Discrimination Act of 1975 [42 U.S.C. 6101 et seq.], title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et seq.], or the provisions of any other Federal statute prohibiting discrimination by recipients of Federal financial assistance.

(2) In a suit against a State for a violation of a statute referred to in paragraph (1), remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in the suit against any public or private entity other than a State.

California Civil Code §51

(a) This section shall be known, and may be cited, as the Unruh Civil Rights Act.

(b) All persons within the jurisdiction of this state are free and equal, and no matter what their sex, race, color, religion, ancestry, national origin, disability, medical condition, genetic information, marital status, sexual orientation, citizenship, primary language, or immigration status are entitled to the full and equal

accommodations, advantages, facilities, privileges, or services in all business establishments of every kind whatsoever.

California Civil Code §51.7

(a) All persons within the jurisdiction of this state have the right to be free from any violence, or intimidation by threat of violence, committed against their persons or property because of political affiliation, or on account of any characteristic listed or defined in subdivision (b) or (e) of Section 51, or position in a labor dispute, or because another person perceives them to have one or more of those characteristics. The identification in this subdivision of particular bases of discrimination is illustrative rather than restrictive.

California Civil Code §52

(a) Whoever denies, aids or incites a denial, or makes any discrimination or distinction contrary to Section 51, 51.5, or 51.6, is liable for each and every offense for the actual damages, and any amount that may be determined by a jury, or a court sitting without a jury, up to a maximum of three times the amount of actual damage but in no case less than four thousand dollars ($4,000), and any attorney's fees that may be determined by the court in addition thereto, suffered by any person denied the rights provided in Section 51, 51.5, or 51.6.

(b) Whoever denies the right provided by Section 51.7 or 51.9, or aids, incites, or conspires in that denial, is liable for each and every offense for the actual damages suffered by any person denied that right and, in addition, the following:

(1) An amount to be determined by a jury, or a court sitting without a jury, for exemplary damages.

(2) A civil penalty of twenty-five thousand dollars ($25,000) to be awarded to the person denied the right provided by Section 51.7 in any action brought by the person denied the right, or by the Attorney General, a district attorney, or a city attorney.

Appendix 12

FILED March 13, 2025

Office of the Clerk

United States Court of Appeals for the Ninth Circuit

Post Office Box 193939

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Molly C. Dwyer

Clerk of the Court

DOCKETING NOTICE

Docket Number: 25-1670

Originating Case Number: 2:25-cv-00716-TLN-CSK

Case Title: McGee v. State of California

Dear Petitioner(s)/Appellant(s),

This is to acknowledge receipt of your case, which has been opened and assigned the above-listed U.S. Court of Appeals for the Ninth Circuit case number.

This case is subject to a pre-filing review order entered in case number 02-80037 and will be reviewed by the Court to determine whether it will be permitted to proceed.

You must file a Disclosure Statement (Form 34) within 14 days of this notice if your case: (1) involves a non-governmental corporation, association, joint venture, partnership, limited liability company, or similar entity; (2) is a bankruptcy case; (3)

is a criminal case involving an organizational victim; or (4) involves review of a state court proceeding. See Ninth Circuit Rule 26-1.1

MINUTE ORDER

Case 2:25-cv-000716 TLN CSK

McGee v. State of California

MINUTE ORDER issued by Courtroom Deputy for Chief District Judge Troy L. Nunley on February 28, 2025: Plaintiff Jefferson A. McGee was declared a vexatious litigant in the U.S. District Court for the Eastern District of California on September 5, 2024, in *McGee v. State of Cal.*, No. 2:24-cv-0012 TLN-AC (ECF Nos. 214 & 216). In filing the Complaint and TRO in No. 2:25-cv-00716-TLN-CSK, Plaintiff did not follow the Pre-Filing Order for vexatious litigants. This case is determined to be frivolous, repetitive, or otherwise barred, and is hereby DISMISSED. CASE CLOSED. (TEXT ONLY ENTRY) (Deputy Clerk MDK) Modified on 2/28/2025 (MDK). (Entered: 02/28/2025)

FILED: January 4, 2024

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERSON A. McGEE, No.2:24-cv-0012 TLN

Plaintiff, AC PS

v.

THE STATE OF CALIFORNIA, ORDER

et al.,

Defendants.

_____/

This matter is before the Court on Plaintiff Jefferson A. McGee's ("Plaintiff") Motion for a Temporary Restraining Order ("TRO"). (ECF No. 3.) For the reasons set forth below, the Court DENIES Plaintiff's motion.

I. FACTUAL AND PROCEDURAL BACKGROUND

Plaintiff, proceeding pro se, filed the Complaint and instant motion for TRO on January 2, 2024. (ECF Nos. 1, 3.) At the outset, Plaintiff's 141-page Complaint lacks clarity. Plaintiff broadly alleges Defendants engaged in a "racially motivated conspiracy" in violation of various state and federal laws. (ECF No. 1 at 8.) More specifically, Plaintiff alleges Defendants "conspired to deprive [him] and other African Americans of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of Little League Baseball, Inc., Airport

Little League Baseball, Inc., and [a] sports arena owned by the City." (Id.) Plaintiff also alleges Defendants prevented him from using City property and intimidated and retaliated against him in October 2021 because he had filed prior actions against the City in 2010 and 2014. (Id.) Plaintiff then alleges Defendants sent him letters in October, November, and December 2023 demanding he pay the County $7,517 to punish him for filing the prior actions. (Id. at 8–9.) Plaintiff alleges he "is frightened" and "it is hard for [him] to concentrate on his work because [he] does not know what [Defendants] will do to collect the $7,517." (Id. at 9.) Plaintiff seeks monetary damages and injunctive relief. (Id. at 138–149.)

Like the Complaint, the instant motion for a TRO also lacks clarity. Plaintiff requests the Court enjoin Defendants from taking the following actions: (1) intimidating and retaliating against him; (2) searching, detaining, or harassing him; (3) withholding and interfering with his real and personal property; (4) refusing to enter judgments in his favor; (5) maintaining false criminal records on him; (6) interfering with Plaintiff's liquor license for his business; (7) withholding Plaintiff's handgun; (8) using government entities and public monies to break the laws of the United States; (9) implementing a general policy and conspiracy to discriminate against African Americans; and (10) that Little League Baseball, Inc. be enjoined from holding any games, tournaments, practices, or conditioning sessions. (ECF No. 3 at 2–3.)

II. STANDARD OF LAW

A temporary restraining order is an extraordinary and temporary "fix" that the court may issue without notice to the adverse party if, in an affidavit or verified complaint, the movant "clearly show[s] that immediate and irreparable injury, loss, or damage will result to the movant before the adverse party can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A). The purpose of a temporary restraining order is to preserve the status quo pending a fuller hearing. See Fed. R. Civ. P. 65. It is the practice of this district to construe a motion for temporary restraining order as a motion for preliminary injunction. E.D. Cal. L.R. 231(a); see also *Aiello v. One West Bank*, No. 2:10-cv-00227-GEB-EFB, 2010 WL 406092 at *1 (E.D. Cal. Jan. 29, 2010) ("Temporary restraining orders are governed by the same standard applicable to preliminary injunctions.") (internal quotation and citations omitted).

Injunctive relief is "an extraordinary remedy that may only be awarded upon a clear showing that the plaintiff is entitled to such relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008) (citing *Mazurek v. Armstrong*, 520 U.S. 968, 972 (1997) (per curiam)). "The purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held." *Univ. of Texas v. Camenisch*, 451 U.S. 390, 395 (1981); see also *Costa Mesa City Emp.'s Assn. v. City of Costa Mesa*, 209 Cal. App. 4th 298, 305 (2012) ("The purpose of such an order is to preserve the status quo until a final determination following a trial.") (internal quotation marks omitted); *GoTo.com, Inc. v. Walt Disney, Co.*, 202 F.3d 1199, 1210 (9th Cir. 2000) (The status quo ante litem refers not simply to any situation before the filing of a lawsuit, but instead to the last uncontested status

which preceded the pending controversy.") (internal quotation marks omitted). In cases where the movant seeks to alter the status quo, preliminary injunction is disfavored, and a higher level of scrutiny must apply. *Schrier v. Univ. of Co.*, 427 F.3d 1253, 1259 (10th Cir. 2005). A preliminary injunction is not automatically denied simply because the movant seeks to alter the status quo, but instead the movant must meet heightened scrutiny. *Tom Doherty Assocs., Inc. v. Saban Ent., Inc.,* 60 F.3d 27, 33–34 (2d Cir. 1995).

"A plaintiff seeking a preliminary injunction must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest." Winter, 555 U.S. at 20. A plaintiff must "make a showing on all four prongs" of the Winter test to obtain a preliminary injunction. All. for the *Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011). In evaluating a plaintiff's motion for preliminary injunction, a district court may weigh the plaintiff's showings on the Winter elements using a sliding-scale approach. Id. A stronger showing on the balance of the hardships may support issuing a preliminary injunction even where the plaintiff shows that there are "serious questions on the merits . . . so long as the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is in the public interest." Id. Simply put, the plaintiff must demonstrate, "that [if] serious questions going to the merits were raised [then] the balance of hardships [must] tip[ ] sharply in the

plaintiff's favor," in order to succeed in a request for preliminary injunction. Id. at 1134–35.

III. ANALYSIS

Plaintiff fails to persuade the Court that he is entitled to a TRO for two related reasons. First, Plaintiff fails to demonstrate that irreparable harm will occur in the absence of injunctive relief. As to irreparable harm, Plaintiff argues Defendants sent him letters in October, November, and December 2023, demanding payment of $7,517. (ECF No. 3 at 24.) Plaintiff argues these letters "punished Plaintiff by intimidating and retaliat[ing] against him." (Id.) Plaintiff also argues the State of California has refused and neglected to arrest individuals that Plaintiff previously alleged committed crimes against him. (Id. at 25.) Plaintiff then vaguely argues that if Defendants are not restrained, he will continue to suffer irreparable injury. (Id. at 25–26.) The Court concludes Plaintiff's conclusory and disjointed arguments are insufficient to establish that he is likely to suffer imminent, irreparable harm in the absence of injunctive relief. See Alliance, 632 F.3d at 1131 ("Under Winter, plaintiffs must establish that irreparable harm is likely, not just possible, in order to obtain a preliminary injunction.").

Second, Plaintiff's delay in seeking emergency relief weighs against a finding of imminent, irreparable harm. The Court notes Plaintiff filed a similar action in this district in 2021, which was dismissed for failure to state a claim in May 2023. (See 2:21-cv-01654-DADDB.) As in the previous action, Plaintiff's Complaint in the instant case references events that occurred in 2021. (ECF No. 1 at 8.) Even

considering Plaintiff's more recent allegations, Plaintiff references events that occurred as early as October 1, 2023. (ECF No. 1 at 8; ECF No. 3 at 24.) Plaintiff's unexplained delay in seeking relief warrants outright denial of his motion for TRO. See E.D. Cal. L.R. 231(b) (In considering a motion for TRO, the Court "will consider whether the applicant could have sought relief by motion for preliminary injunction at an earlier date without the necessity for seeking last-minute relief" and may deny the motion if "the applicant unduly delayed in seeking injunctive relief.").

Because Plaintiff fails to demonstrate imminent, irreparable harm, the Court need not and does not address the remaining Winter factors herein. See *MD Helicopters, Inc. v. Aerometals, Inc.*, No. 2:16-cv-02249-TLN-AC, 2018 WL 489102, at *2 (E.D. Cal. Jan. 19, 2018).

IV. CONCLUSION

For the foregoing reasons, the Court hereby DENIES Plaintiff's Motion for a TRO. (ECF No. 3.)

IT IS SO ORDERED.

Date: January 4, 2024

/s/TROY L. NUNLEY

UNITED STATED DISTRICT JUDGE

FILED: July 1, 2024

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERSON A. McGEE,

Plaintiff,

v.

THE STATE OF CALIFORNIA, et al.,

Defendants.

No.2:24-cv-0012 TLN

AC PS

ORDER TO SHOW CAUSE WHY PLAINTIFF SHOULD NOT BE DECLARED A VEXATIOUS LITIGANT

_____/

Plaintiff is proceeding in this action in pro se and paid the filing fee, and the case is accordingly referred to the undersigned for pretrial proceedings pursuant to Local Rule 302 (21). Defendant City of Sacramento has moved for an order declaring plaintiff a vexatious litigant. ECF No. 98. Finding that plaintiff has an extensive history of frivolous and repetitive litigation in this district, the undersigned hereby orders plaintiff to show cause as to why he should not be declared a vexatious litigant and subjected to pre-filing conditions, which will be made applicable to this

case and each of plaintiff's future lawsuits. All other action in this case is temporarily STAYED pending the determination of plaintiff's vexatious litigant status. Plaintiff has 30 days to respond to this order to show cause.

I. Overview

On January 2, 2024, plaintiff filed the complaint in this action and paid the filing fee. ECF No. 1. As set forth more fully below, plaintiff Jefferson A. McGee is a serial litigant who has received several warnings from judges of this court regarding the potential consequences of bringing frivolous and repetitive lawsuits. The resource burden imposed by plaintiff's litigation history is not adequately captured by the number of frivolous actions he has filed but also arises from their sweeping scope. For example, in this case plaintiff has named 167 private and public defendants who have each been required to respond to the complaint. There are currently 27 motions pending in this case, 26 of which have been brought by defendants. Considering Mr. McGee's litigation history, which is detailed below, he shall be required to show cause why the court should not deem him a vexatious litigant and impose pre-filing conditions upon him before he may proceed with this case or file any other lawsuits in this district.

II. Legal Standard

The district courts have the power under the All Writs Act, 28 U.S.C. § 1651(a), to issue pre-filing orders that restrict a litigant's ability to initiate court proceedings. *De Long v. Hennessey*, 912 F.2d 1144, 1146 (9th Cir. 1990). "[S]uch pre-filing orders are an extreme remedy that should rarely be used." *Molski v. Evergreen*

Dynasty Corp., 500 F.3d 1047, 1057 (9th Cir. 2007). However, "[f]lagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants." De Long, 912 F.2d at 1148. Before entering a pre-filing order, the court must: (1) give the litigant notice and a chance to be heard before the order is entered; (2) compile an adequate record for review; (3) make substantive findings about the frivolous or harassing nature of the plaintiff's litigation, and (4) narrowly tailor the vexatious litigant order "to closely fit the specific vice encountered." Molski, 500 F.3d at 1057.

The first and second factors "are procedural considerations"; the third and fourth factors "are substantive considerations" that help the district court "define who is, in fact, a 'vexatious litigant' and construct a remedy that will stop the litigant's abusive behavior without unduly infringing the litigant's right to access the courts." Id. At 1057-58. As to the substantive factors, the Ninth Circuit has found a separate set of considerations (employed by the Second Circuit Court of Appeals) provide a helpful framework. *Ringgold-Lockhart v. County of Los Angeles,* 761 F.3d 1057, 1062 (9th Cir. 2014) (citing Molski, 500 F.3d at 1058). They are:

(1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits;

(2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?;

(3) whether the litigant is represented by counsel;

(4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and

(5) whether other sanctions would be adequate to protect the courts and other parties.

Molski, 500 F.3d at 1052 (quoting *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986)).

Additionally, the Eastern District has adopted California's "vexatious litigant" laws. See Local Rule 151(b) (adopting Cal. Civ. Proc. Code §§ 391–391.8). These laws were "designed to curb misuse of the court system by those persistent and obsessive litigants who, repeatedly litigating the same issues through groundless actions, waste the time and resources of the court system and other litigants." *Shalant v. Girardi*, 51 Cal. 4th 1164, 1169 (2011). The vexatious– litigant statute "provide[s] courts and nonvexatious litigants with two distinct and complementary sets of remedies." Id. At 1171. First, a plaintiff may be required to furnish security, meaning a requirement for the litigant to "assure payment . . . of the party's reasonable expenses, including attorney's fees . . . incurred in or in connection with a litigation instituted . . . by a vexatious litigant." Cal. Civ. Proc. Code § 391. If the plaintiff fails to furnish the security, the action will be dismissed. Id. Second, the court may impose a prefiling order that prevents a plaintiff from filing any new case in propria persona. Id. (citing Cal. Civ. Proc. Code § 391.7).

III. Analysis

For the reasons that follow, the undersigned tentatively concludes that Mr. McGee's litigation history demonstrates a pattern of frivolous, repetitive, and harassing complaints that calls for him to be deemed a vexatious litigant. See De Long, 912 F.2d at 1146.

A. Notice and Opportunity to Be Heard

The first Molski factor, ensuring procedural due process, is satisfied where the court notifies the litigant that it is considering a vexatious litigant order, provides details about the scope of the proceedings, and allows for the litigant to respond to the court's concerns. Ringgold Lockhart, 761 F.3d at 1063. This Order to Show Cause provides notice to Mr. McGee that the court is considering deeming him a vexatious litigant and is considering entering a comprehensive pre-filing order that would apply to all future lawsuits. A full description of this potential pre-filing order can be found in Section D below. Mr. McGee is being provided the opportunity to explain in writing why he should not be declared a vexatious litigant, and to state any objections he has to the contemplated terms of a pre-filing order. Plaintiff's response to this Order to Show Cause should be submitted to the court no later than 30 days from the date of this Order.

B. Adequate Record for Review

Turning to the second Molski factor, the undersigned has reviewed the dockets related to plaintiff's previous lawsuits in this court and lists those cases below. "An adequate record for review should include a listing of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed." De

Long, 912 F.2d at 1147. A district court compiles a proper record for review where a complete list of the cases filed by the litigant, alongside those complaints, accompanies the vexatious litigant order. Ringgold-Lockhart, 761 F.3d at 1063.

Plaintiff has filed at least 15 cases in this district, including the instant case. All previous cases have been unsuccessful, and most of them involved large numbers of defendants and repeatedly rejected allegations of vast conspiracies against plaintiff to violate his civil rights. Plaintiff's previous cases in this court, of which the undersigned takes judicial notice, are:

- McGee v. Craig, et al., 2:98-cv-1026 GEB DAD ("McGee I") (188-page complaint naming 200 defendants);
- People of the State of California v. McGee, 2:98-mc-0321 DFK PAN ("McGee II") (purported removal action, summarily remanded to state court);
- McGee v. Davis, 2:01-mc-00179 LKK PAN ("McGee III") (238-page complaint against 88 named defendants and 108 Doe defendants, summarily dismissed);
- McGee v. People of the State, et al., 2:04-cv-00283 GEB KJM ("McGee IV") (purported removal of a state criminal prosecution; summarily remanded);
- McGee v. Schwarzenegger, et al., 2:04-cv-2598 LKK DAD ("McGee V") (complaint against multiple state and local elected officials and government entities; dismissed on defendants' motions);
- McGee v. MMDD Sacramento Project, et al., 2:05-cv-00339 WBS DAD ("McGee VI") (purported removal of unlawful detainer action related to commercial property; remanded);

• McGee v. State Senate, 2:05-cv-02632 GEB EFB ("McGee VII") (complaint naming 40 government entities and elected officials; dismissed under Rules 8 and 12(b)(6));

• McGee v. Seagraves et al., 2:06-cv-00495 MCE GGH ("McGee VIII") (purportedly removed unlawful detainer action; remanded);

• McGee v. State of California, 2:09-cv-00740 GEB EFB ("McGee IX") (lawsuit against dozens of public entities and officials; dismissed);

• McGee v. Attorney General State of California, et al., 2:10-cv-00137 KJM ("McGee X") (petition for writ of habeas corpus; summarily dismissed for lack of jurisdiction; appeal dismissed by Ninth Circuit as frivolous);

• McGee v. Attorney General State of California, et al., 2:11-cv-02554 CMK ("McGee XI") (petition for writ of habeas corpus; summarily dismissed for lack of jurisdiction);

• McGee v. State of California, et al., 2:14-cv-00823 JAM KJN ("McGee XII") (complaint naming 69 defendants, including multiple government entities, elected officials, and youth baseball organizations; dismissed);

• McGee v. State of California, et al., 2:16-cv-01796 JAM EFB ("McGee XIII") (dismissed on defendants' motion; appeal dismissed by Ninth Circuit as frivolous);

• McGee v. Airport Little League Baseball, Inc., et al., 2:21-cv-01654 DAD DB ("McGee XIV") (dismissed on defendants' motions).

The court is unaware of any case in which McGee has presented a successful claim. Nonetheless, because of plaintiff's habit of naming so many defendants, many of the cases have generated significant filings in the form of various defense motions, such as meritorious motions to dismiss and motions for a more definite statement. Plaintiff also typically brings numerous motions for preliminary or miscellaneous relief, which are consistently denied. In the present case, there are already 194 docket entries, including 27 pending motions. ECF Nos. 33, 52, 54, 55, 57, 59, 61, 65, 67, 68, 71, 83, 84, 87, 90, 92, 95, 98, 104, 106, 107, 108, 116, 148, 173, 175, 180. This volume of motion practice substantially enhances the burdens imposed by plaintiff's filings, as now discussed in greater detail.

C. The Frivolous or Harassing Nature of Mr. McGee's Litigation

"[B]efore a district court issues a pre-filing injunction . . . it is incumbent on the court to make substantive findings as to the frivolous or harassing nature of the litigant's actions." De Long, 912 F.2d at 1148. The Ninth Circuit has adopted the Second Circuit's framework on this prong, which requires the court to consider the litigant's history, motives, representation by counsel, as well as the expense to others or burdens on the court and the possibility of other sanctions. Ringgold-Lockhart, 761 F.3d at 1062; Molski, 500 F.3d at 1058 (quoting Safir, 792 F.2d at 24). For the reasons now explained, the weight of these considerations supports a substantive finding that Mr. McGee has engaged in frivolous and harassing behavior by filing the lawsuits listed above.

(1) Mr. McGee's history of vexatious, harassing lawsuits.

Mr. McGee's filings, enumerated above, have been both numerous and meritless. The reasons for the dismissal of McGee's previous lawsuits show that his complaints are routinely either repetitive, frivolous, harassing, or all of the above. In his first case, *McGee v. Craig*, the court summarized the suit as follows: "In a 188-page complaint filed June 3, 1998, plaintiffs complain that more than 200 defendants, including the Governor of the State of California, the State Attorney General, the Sacramento District Attorney, a newspaper, a school district, little league baseball, and officers of state and local agencies, among others, conspired to deny plaintiffs' civil rights." McGee I at ECF No. 216. That case was litigated to conclusion, and plaintiff's overarching conspiracy claims were dismissed. McGee I at ECF Nos. 182-185.[1] Despite the fact that McGee I was litigated to conclusion and resulted in an adverse judgment with preclusive effect, Mr. McGee continued to file lawsuits against large numbers of defendants, many of whom appeared over and over again, based upon the same broad race discrimination conspiracy claims.

Between McGee I and the case at bar, plaintiff has filed at least six lawsuits alleging vast racists conspiracies among large swaths of the private and public

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[1] Plaintiff's claims against the vast majority of defendants, and all conspiracy claims, were dismissed pre-trial. See McGee I, ECF No. 217 (recommendation of magistrate judge for entry of judgment in favor of defendants who had previously succeeded on motions to dismiss). The case proceeded to trial against five officers from the Sacramento County Sherriff's Department on claims arising from a limited set of facts. See id. at ECF No. 430. All claims against all defendants were dismissed during trial on defendants' motions for judgment as a matter of law under Fed. R. Civ. P. 50. Id. at ECF Nos. 488, 490, 492. None of plaintiff's subsequent lawsuits have progressed past the pleading stage.

sectors. See McGee III, McGee VII, McGee IX, McGee XII, McGee XIII, McGee XIV. The claims and defendants in these cases were substantively the same, as often expressly acknowledged by plaintiff himself. For example, in *McGee XII*, plaintiff sued a large number of defendants including the Governor of the State of California, the State Attorney General, the Sacramento City Council, multiple little league baseball organizations, the Doubletree Hotel, a property management company, and multiple law firms. McGee XII at ECF No. 1. The complaint stated that "All wrongs complained of in this compliant were committed against plaintiff pursuant to defendant's policy of 'Discriminating Against African American in Law Enforcement Programs and Activities,' (the Policy) and for the purpose of implementing, maintaining, promulgating, and executing the Policy." Id. At 7. Mr. McGee wrote that his case was part of an ongoing discrimination conspiracy that had been in process since December 15, 1993, and he cited his own lawsuits going back to McGee I. Id. At 8- 55.

McGee XII was before Magistrate Judge Kendall J. Newman, who summarized the case by stating that the "claims are apparently based on numerous different incidents that allegedly took place from approximately 1993-2014, including, but not limited to, exclusion from participation in the affairs of Florin Little League Baseball, various hostile encounters with different city and county law enforcement agencies, plaintiff's eviction from multiple properties through unlawful detainer actions, certain debt collection activities undertaken against plaintiff, the prosecution of criminal actions against plaintiff, interference with plaintiff's

businesses and liquor licenses for those businesses, an incident of racial discrimination at a hotel, and failure to protect plaintiff from a hostile neighbor." ECF No. 17 at 4. Judge Newman went on to recommend dismissal of most of the defendants for improper joinder, finding that although "plaintiff asserts in conclusory fashion that all defendants acted as part of a vast racially motivated conspiracy, the above-mentioned incidents in plaintiff's complaint actually implicate different groups of defendants (from different governmental and private entities), and involve different events, different types of acts, different times, and different subject matter. As such, plaintiff has improperly joined defendants in this action." Id. At 6. Judge Newman then sua sponte recommended dismissal of the remainder of plaintiff's complaint on the grounds of claim preclusion and res judicata. When discussing the claims against little league baseball, Judge Newman noted that plaintiff's complaint expressly referenced McGee I and found that "the claims in both the 1998 action and the present action (as narrowed) arise from the same transactional nucleus of facts concerning plaintiff's exclusion from participation in the affairs of" little league baseball. ECF No. 17 at 8.

Judge Newman issued a clear warning to Mr. McGee about the potential consequences of repeatedly filing vexatious and frivolous lawsuits. First, he wrote that "[a] review of the court's dockets indicates that plaintiff has filed over ten complaints, including several complaints alleging the same conspiracy to violate his civil rights against several of the same defendants." McGee IX at ECF No. 17 at 6. Judge Newman then warned plaintiff as follows: "Plaintiff is cautioned that any

future assertion of claims barred by principles of claim preclusion and res judicata, or claims barred by the applicable statute of limitations, may result in the imposition of Rule 11 sanctions, the declaration of plaintiff as a vexatious litigant, and/or the imposition of any other appropriate sanctions." Id. At 9 (emphasis in original).

Similar warnings were issued in multiple later cases. In McGee XII, the court wrote, "Plaintiff is cautioned that any future assertion of claims barred by principles of claim preclusion and res judicata, or claims barred by the applicable statute of limitations, may result in the imposition of Rule 11 sanctions, the declaration of plaintiff as a vexatious litigant, and/or the imposition of any other appropriate sanctions." McGee XII at ECF No. 17 at 9. In McGee XIII, it was noted that "The instant case is one of many actions plaintiff has filed in this district, the vast majority of which have been dismissed for failure to state a claim . . . These cases demonstrate a history of plaintiff filing complaints that assert vague and general allegations of discrimination without specific facts that could entitle him to relief on any particular cause of action." McGee XIII at ECF No. 59 at 8.

Now before the court is McGee XV. The case is reminiscent of the cases which preceded it. Plaintiff sues the Governor of the State of California, the State Attorney General, the City of Sacramento, the Sacramento District Attorney, a newspaper editor, a school district, little league baseball organizations, the Doubletree Hotel, and numerous officers of state and local agencies, among others. ECF No. 28 at 1-4. Plaintiff alleges that "From December 1993 until the present

[the Elk Grove Unified School District] and each Defendant listed in the Complaint have been engaged in a fast racially motivated conspiracy to deprive Plaintiff and others their rights secured by the Fourteenth Amendment of the united States Constitution . . . on the grounds of their race and color and solely on account they are African American (the racially motivated conspiracy)[.]" Id. At 7.[2] The Amended Complaint specifically acknowledges that the case before the court today is part of a series of repetitive lawsuits. Under the heading "History of the Conspiracy" plaintiff writes, "Plaintiff has frequented this court on numerous occasions with his pro se litigation. A review of the court's dockets indicates that plaintiff has filed over ten complaints, including several complaints alleging the same conspiracy to violate plaintiff's civil rights against several of the same defendants." ECF No. 28 at 23 (citing McGee I, IV, VI, VII, VIII, and X, as well as a case plaintiff removed from state court in which he was the defendant, *Hildebrand v. McGee*, 2:00-cv-01578 GEB DAD, which was remanded). Plaintiff goes on to state that in McGee X, the

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[2] The court notes that as part of the case at bar, plaintiff alleges that defendants continue to discriminate against him and that the County of Sacramento is retaliating against him for trying to collect $7,517 to "punish Plaintiff for taking action and participating in the action entitled *McGee v. Wilson* case no. Civ-S-98-1026-FCD-PAN-PS." Id. at 8-9. In the action to which plaintiff refers, McGee I, plaintiff asserted a similar vast conspiracy to discriminate against African Americans, and after the court determined that the complaint contained some "meritless and vexatious claims" defendants were awarded $14,000 in reasonable attorneys' fees. McGee I at ECF No. 514 at 9-13. Though it is not entirely clear from the instant complaint, plaintiff appears to be referring to the County's ongoing efforts to collect those fees.

court stated that "many of the 153 defendants named in the fourth amended complaint have been named in one or more of plaintiff's previous actions before this court." Id. At 25.

Plaintiff's other cases in this district, those not clearly tied to the racist conspiracy theory, have been equally frivolous. Plaintiff twice removed unlawful detainer actions that were immediately remanded to state court (McGee VI and McGee VIII). Plaintiff twice filed cases styled as actions in Habeas Corpus that were dismissed at the outset because plaintiff was not in custody (McGee X and McGee VI). In 2004, plaintiff attempted to remove a state criminal case against him to this court (McGee IV), and when that case was summarily remanded, he filed a civil action alleging a vast racist conspiracy to violate his rights based on the criminal prosecution (McGee V).

Since McGee I, none of plaintiff's cases have successfully stated any claim for relief that passed beyond the pleading stage. Many defendants have been sued over and over in relation to identical or related matters. Because plaintiff typically pays the filing fee rather than seeking in forma pauperis status, his complaints are not screened by the court prior to service. Accordingly, defendants have been obliged to appear, to respond to the complaints, and to respond to plaintiff's frequent motions for temporary restraining orders, default judgment, summary judgment, and other miscellaneous relief, notwithstanding the apparent frivolity of those motions and plaintiff's claims. The substantial burden thus imposed on the court and on defendants, in the persistent absence of viable claims, highlights the vexatious and

harassing nature of plaintiff's litigation history. The court therefore finds that Mr. McGee's previous filings, and his failure to heed warnings regarding the filing of frivolous lawsuits, weigh heavily in favor of limiting his ability to continue engaging in frivolous litigation. This record supports a substantive finding of vexatiousness. See Molski, 500 F.3d at 1059.

(2) Mr. McGee's motive and the lack of objective good faith expectation of prevailing

The gravamen of the instant case has been effectively rejected numerous times before, which suggests that plaintiff cannot have a reasonable, good faith expectation that he will prevail now. Plaintiff's 140-page operative Amended Complaint alleges that defendants "have adopted, implemented, maintained, promulgated, and executed a Policy of Discriminating Against African Americans on the Grounds of their Race in Law Enforcement Programs and Activities." ECF No. 28 at 7. As stated above, plaintiff acknowledges that this case is based on an ongoing race discrimination conspiracy theory that he has previously attempted to litigate without success. Id. ("[f]rom December 1993 until the present . . . each Defendant listed in this Complaint have been engaged in a vast racially motivated conspiracy to deprive Plaintiff and others of their rights secured by the Fourteenth Amendment of the United States Constitution . . . on the grounds of their race and color and solely on account they are African American (the racially motivated conspiracy[.]"). Plaintiff does not appear to view his litigation pattern as problematic. To the contrary, he appears to have been emboldened by his success in

repeatedly haling his perceived enemies into federal court and is clearly committed to continuing his campaign against them.

As discussed in detail above, plaintiff's own filings make very clear that he is knowingly attempting to re-litigate many of the same claims against many of the same defendants he has unsuccessfully sued before. Although plaintiff has been repeatedly warned against pursing repetitive litigation, the contents of the currently pending amended complaint demonstrate that he has no intention of discontinuing this practice. His racial conspiracy lawsuits have been repeatedly rejected and plaintiff has been told that his conspiracy theories fail to state a cognizable claim for relief, yet he continues to file substantially similar actions against large numbers of defendants. It appears unlikely that a litigant in Mr. McGee's position could maintain a good–faith expectation of prevailing in his actions. See *Endsley v. California*, 2014 WL 5335857 (C.D. Cal. Oct. 16, 2014) (aff'd in part, *Endsley v. California,* 627 Fed App'x 644 (9th Cir. 2015)) (civil detainee declared a vexatious litigant after bringing numerous cases alleging the same constitutional "violations;" the court found Plaintiff could not have had an "objective good faith expectation of prevailing" on claims he had already been told were not cognizable).

The court will make no findings as to plaintiff's motive until it has the opportunity to consider his response to this order to show cause. However, the court notes that the litigation history appears to be objectively inconsistent with good faith.

(3) Mr. McGee's lack of counsel

"In every one of the actions Mr. McGee has filed, he has proceeded pro se. Though courts are generally protective of pro se litigants, the undersigned finds this factor cannot outweigh Mr. McGee's abusive litigation tactics.

(4) Mr. McGee has caused needless expense to other parties and has posed an unnecessary burden on the courts and their personnel

Mr. McGee's abusive litigation tactics have imposed an unnecessary burden on the personnel of this court. Employees in the Clerk's office must repeatedly scan and file his lengthy and frivolous complaints and motions, which judges in this court must review (and given his history, dismiss); the Clerk's office must then mail out these orders. Further, Mr. McGee has a habit of filing motions for temporary restraining orders, which forces the court to prioritize his frivolous and repetitive complaints. ECF No. 3 (denied at ECF No. 21), McGee I at ECF No. 11 (denied at ECF No. 186); McGee V at ECF No. 3 (denied at ECF No. 46); McGee VI at ECF No. 3 (denied at ECF No. 18); McGee VII at ECF No. 33 (denied at ECF No. 35); McGee IX at ECF Nos. 7 and 8 (denied at ECF No. 17); McGee XII at ECF No. 11 (denied at ECF No. 19); McGee XIII at ECF No. 5 (denied at ECF No. 18).

Additionally, Mr. McGee's specific litigation tactics impose excessive burdens on the entities and individuals that he sues, particularly those who are sued repeatedly. Mr. McGee's tendency to name a large number of defendants (often in the hundreds) prompts significant litigation in each case he files. See, e.g., McGee I (42 defendants and 514 docket entries); McGee III (88 named defendants and 108 Doe defendants, 33 docket entries due to denial of request to proceed in forma pauperis (ECF No. 36)); McGee VII (40 defendants and 100 docket entries); McGee IX (153 defendants and dismissed without leave to amend pursuant to 28 U.S.C. §

1915which(2) screening); McGee XII (69 defendants, dismissed at the outset on grounds of claim preclusion, res judicata, and improper joinder of defendants (ECF No. 17)); McGee XIII (7 defendants, dismissed without leave to amend in light of plaintiff's litigation history (ECF No. 59)). The present case involves 167 defendants and 194 docket entries, including 26 motions responsive to the complaint from various defendants. ECF Nos. 33, 52, 54, 55, 57, 59, 61, 65, 67, 68, 71, 83, 84, 87, 90, 92, 95, 98, 104, 106, 107, 108, 116, 148, 173, 180.

The City of Sacramento, which brings the present motion to declare petitioner a vexatious litigant, has been named as a defendant in at least five previous lawsuits on substantially similar grounds as those presented in this case. See McGee V; McGee VII; McGee XII; McGee XIII; McGee XIV. These lawsuits have also named a large and rotating cast of City departments, employees, and elected officials. All previous claims against the City and other City defendants have been dismissed as frivolous or unsupported by facts.

It is apparent that Mr. McGee has no intention of discontinuing his repeat litigation. Accordingly, unless the court halts Mr. McGee's actions, his abusive tactics will pose an unnecessary burden on other parties as well as the court and its personnel. See *Spain v. EMC Mortg. Co.*, 2010 WL 3940987, at *12 (D. Ariz. Sept. 27, 2010), aff'd sub nom. *Spain v. EMC Mortg. Corp.,* 487 F. App'x 411 (9th Cir. 2012) (finding unnecessary burden where the litigant persistently filed motions and other submissions that were baseless, causing unnecessary expense to the parties and needless burden on the courts).

(5) Multiple judges in this district have attempted to institute alternative sanctions, but these have gone unheeded and have been inadequate to protect the courts and third parties.

As set forth above, plaintiff has been repeatedly cautioned against filing repetitive litigation. Admonitions have had no effect. Dismissals of claims as frivolous, unsupported by facts, and barred by res judicata has had no effect. The undersigned concludes that the only way to end Mr. McGee's abusive and frivolous litigation is to consider a restrictive pre–filing order. See Spain, 2010 WL 3940987, at *12 ("Especially because plaintiff has not heeded any of this court's prior warnings regarding the manner in which he has conducted this requires, the need for a carefully circumscribed pre-filing order is readily apparent.").

D. Narrowly Tailored Vexatious Litigant Order

Under the contemplated pre-filing order, Mr. McGee will not be permitted to initiate any new actions unless he submits alongside his complaint (1) a declaration under penalty of perjury explaining why he believes he has meritorious claims; (2) a declaration listing all previous actions he has filed in this court or any other court; identifying named defendants and all claims made in the previous actions; certifying as to the newly submitted case that the defendants have not been sued before or that any claims against previous defendants are not related to previous actions; stating that the current claims are not frivolous or made in bad faith; and declaring that he has conducted a reasonable investigation of the facts—an investigation which supports his claims; and (3) a cover page including the following

words in all capital letters at the top of the front page: "PLAINTIFF HAS BEEN DECLARED A VEXATIOUS LITIGANT IN CASE NO. 2:24- cv-00012-TLN AC PS."

Under the contemplated order, if a proposed filing does not contain all the above, the Clerk of the Court shall be directed to lodge (not file) it and the Court shall not review it. If plaintiff submits an action as a self-represented litigant accompanied by the documents described above, then the Clerk of the Court will be directed to open the matter as a miscellaneous case to be considered by the General Duty Judge of this Court. The General Duty Judge shall determine whether the case constitutes frivolous, repetitive, or otherwise barred litigation. If the General Duty Judge in his or her discretion determines that the proposed lawsuit is frivolous, repetitive, or otherwise barred, he or she will dismiss the action without comment pursuant to the contemplated pre-filing order.

The requirements of the contemplated prefiling order shall be waived if plaintiff's filing is made on his behalf by a licensed attorney at law in good standing who signs the filing as the attorney of record for plaintiff.

The court is also contemplating requiring Mr. McGee to submit substantial monetary security before service of process, barring him from use of the in forma pauperis motion under 28 U.S.C. § 1915(a)(1), and/or limiting the number of other motions he may file, pursuant to Local Rule 151(b) and Cal. Civ. Proc. Code § 391.

ORDER

Accordingly:

1. Plaintiff is hereby ORDERED to show cause in writing why he should not be declared a vexatious litigant under the Court's inherent powers and under California law, see Cal. Civ. Proc. Code § 391 and L.R. 151(b);
2. Plaintiff is hereby notified that under a vexatious litigant designation, a pre– filing order may be imposed, which may:
    a. require security be posted to maintain cases, see Cal. Civ. Proc. Code § 391.1 et seq.;
    b. restrict the filing of new cases via a pre-filing order, see Cal. Civ. Proc. Code § 391.7; and
    c. limit the number of motions plaintiff may maintain in a single case, including a limitation on his use of the in forma pauperis motion.
3. Plaintiff may submit a written response to this order on or before August 2, 2024;
4. The Clerk of the Court is directed to serve this Order on Mr. McGee at his listed address and is further directed to serve him at the public counter when he next appears.

IT IS SO ORDERED.

DATED: July 1, 2024

/s/ALLISON CLAIRE

UNITED STATED MAGISTRATE JUDGE

FILED: August 7, 2024

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERSON A. McGEE, No.2:24-cv-0012 TLN

Plaintiff, AC PS

v.

THE STATE OF CALIFORNIA, et al., FINDINGS AND RECOMMENDATIONS TO DISMISS WITH PREJUDICE AND TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT

Defendants.

_____/

Plaintiff is proceeding in this action in pro se and paid the filing fee, and the case was accordingly referred to the undersigned for pretrial proceedings pursuant to Local Rule 302(c)(21). Defendant City of Sacramento has moved for an order declaring plaintiff a vexatious litigant. ECF No. 98. Finding that plaintiff has an extensive history of frivolous and repetitive litigation in this district, the undersigned ordered plaintiff to show cause as to why he should not be declared a vexatious litigant and subjected to pre-filing conditions. ECF No. 197. Plaintiff was advised that the contemplated vexatious litigant status would be made applicable to this case and to each of plaintiff's future lawsuits. Id. Plaintiff was directed to respond by

August 2, 2024. Id. Plaintiff responded to the order to show cause. ECF No. 213. All other actions in this case has been temporarily stayed pending the determination of plaintiff's vexatious litigant status.

After a thorough review of plaintiff's response to the order to show cause, the status of this case, and plaintiff's litigation history, the undersigned RECOMMENDS that plaintiff be declared a vexatious litigant subject to prefiling conditions. The undersigned further RECOMMENDS that if the recommendation is adopted, plaintiff be ordered to comply with the prefiling conditions before proceeding with this case.

I. Overview

On January 2, 2024, plaintiff filed the complaint in this action and paid the filing fee. ECF No. 1. As set forth more fully below, plaintiff Jefferson A. McGee is a serial litigant who has received several warnings from judges of this court regarding the potential consequences of bringing frivolous and repetitive lawsuits. The resource burden imposed by plaintiff's litigation history is not adequately captured by the mere number of frivolous actions he has filed but also arises from their sweeping scope. For example, in this case plaintiff has named 167 private and public defendants who have each been required to respond the complaint. There are currently 27 motions pending in this case, 26 of which have been brought by defendants. Considering Mr. McGee's litigation history, which is detailed below, and his failure to show to show cause why the court should not deem him a vexatious litigant and impose pre-filing conditions upon him before he may proceed with this

case or file any other lawsuits in this district, the undersigned finds that plaintiff Jefferson A. McGee should be declared a vexatious litigant subject to the prefiling conditions described below, and that the prefiling conditions should be applied to this case before it is allowed to proceed.

II. Legal Standard

The district courts have the power under the All Writs Act, 28 U.S.C. § 1651(a), to issue pre-filing orders that restrict a litigant's ability to initiate court proceedings. *De Long v. Hennessey,* 912 F.2d 1144, 1146 (9th Cir. 1990). "[S]uch pre-filing orders are an extreme remedy that should rarely be used." *Molski v. Evergreen Dynasty Corp.,* 500 F.3d 1047, 1057 (9th Cir. 2007). However, "[f]lagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants." De Long, 912 F.2d at 1148. Before entering a pre-filing order, the court must: (1) give the litigant notice and a chance to be heard before the order is entered; (2) compile an adequate record for review; (3) make substantive findings about the frivolous or harassing nature of the plaintiff's litigation, and (4) narrowly tailor the vexatious litigant order "to closely fit the specific vice encountered." Molski, 500 F.3d at 1057.

The first and second factors "are procedural considerations"; the third and fourth factors "are substantive considerations" that help the district court "define who is, in fact, a 'vexatious litigant' and construct a remedy that will stop the litigant's abusive behavior without unduly infringing the litigant's right to access the courts." Id. at

1057-58. As to the substantive factors, the Ninth Circuit has found a separate set of considerations (employed by the Second Circuit Court of Appeals) provide a helpful framework. *Ringgold-Lockhart v. County of Los Angeles*, 761 F.3d 1057, 1062 (9th Cir. 2014) (citing Molski, 500 F.3d at 1058). They are:

(1) the litigant's history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits;

(2) the litigant's motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?

(3) whether the litigant is represented by counsel;

(4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and

(5) whether other sanctions would be adequate to protect the courts and other parties.

Molski, 500 F.3d at 1052 (quoting *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986)).

Additionally, the Eastern District has adopted California's "vexatious litigant" laws. See Local Rule 151(b) (adopting Cal. Civ. Proc. Code §§ 391–391.8). These laws were "designed to curb misuse of the court system by those persistent and obsessive litigants who, repeatedly litigating the same issues through groundless actions, waste the time and resources of the court system and other litigants." *Shalant v. Girardi*, 51 Cal. 4th 1164, 1169 (2011). The vexatious–litigant statute "provide[s] courts and nonvexatious litigants with two distinct and complementary sets of remedies." Id. at

1171. First, a plaintiff may be required to furnish security, meaning a requirement for the litigant to "assure payment . . . of the party's reasonable expenses, including attorney's fees . . . incurred in or in connection with a litigation instituted . . . by a vexatious litigant." Cal. Civ. Proc. Code § 391. If the plaintiff fails to furnish the security, the action will

be dismissed. Id. Second, the court may impose a prefiling order that prevents a plaintiff from filing any new case in propria persona. Id. (citing Cal. Civ. Proc. Code § 391.7).

III. Analysis

The undersigned concludes that Mr. McGee's litigation history demonstrates a pattern of frivolous, repetitive, and harassing complaints that calls for him to be deemed a vexatious litigant. See De Long, 912 F.2d at 1146. The court has considered plaintiff's opposition and finds that he does not show good cause to avoid a vexatious litigant order and that he should be subject to a prefiling order.

A. Plaintiff's Argument

Plaintiff asserts that he is not a vexatious litigant because he does not fit the definition under California Code of Civil Procedure § 391(b). That code defines a "vexatious litigant" as follows:

(1) In the immediately preceding seven-year period has commenced, prosecuted, or maintained in propria persona at least five litigations other than in a small claims court that have been (i) finally determined adversely to the person or

(ii) unjustifiably permitted to remain pending at least two years without having been brought to trial or hearing.

(2) After a litigation has been finally determined against the person, repeatedly relitigates or attempts to relitigate, in propria persona, either (i) the validity of the determination against the same defendant or defendants as to whom the litigation was finally determined or (ii) the cause of action, claim, controversy, or any of the issues of fact or law, determined or concluded by the final determination against the same defendant or defendants as to whom the litigation was finally determined.

(3) In any litigation while acting in propria persona, repeatedly files unmeritorious motions, pleadings, or other papers, conducts unnecessary discovery, or engages in other tactics that are frivolous or solely intended to cause unnecessary delay. [. . .]

CCP § 391. Plaintiff argues that he does not meet these criteria because in the immediately preceding seven-year period he has only commenced two lawsuits against the City of Sacramento, and in the past twenty years he has only commenced five. ECF No. 213 at 4. Plaintiff argues that his cases are not repetitive because they are based on "numerous different incidents that took place from 1993 through present[.]" Id. at 5. It is clear, however, that plaintiff misapprehends the meaning of "repetitive" in this context.

Each of plaintiff's cases, though they may include new allegations of discrimination, are – as plaintiff readily admits – part of his ongoing claim of a vast

conspiracy. Plaintiff himself explains he "has filed many cases against government officials alleging the government officials have been depriving him of his civil rights from December 19, 1993, until present. The City has been involved in a conspiracy to deprive plaintiff of his civil rights for decades[.]" Id. at 6. Plaintiff's claims are repetitive, even if they each contain some unique allegations, because they all relate to one ongoing alleged conspiracy that plaintiff has been litigating and relitigating for over twenty years in this court. Though plaintiff may subjectively believe his many lawsuits to be unique, they are objectively and legally repetitive. Plaintiff is therefore, at a minimum, a vexatious litigant as defined by California Code of Civil Procedure § 391(b)(2).

The court now turns to the factors outlined in Molski, 500 F.3d at 1052.

B. Notice and Opportunity to Be Heard

The first Molski factor, ensuring procedural due process, is satisfied where the court notifies the litigant that it is considering a vexatious litigant order, provides details about the scope of the proceedings, and allows for the litigant to respond to the court's concerns. Ringgold-Lockhart, 761 F.3d at 1063. The Order to Show Cause provided notice to Mr. McGee that the court is considering deeming him a vexatious litigant and is considering entering a comprehensive pre-filing order that would apply to all future lawsuits. ECF No. 197. A full description of this potential pre-filing order was presented in Section D of the order to show cause. Id. at 14. Mr. McGee was provided the opportunity to explain in writing why he should not be declared a vexatious litigant, and to state any objections he has to the contemplated terms of a

pre-filing order. Plaintiff's response was submitted and considered in full. ECF No. 213.

C. Adequate Record for Review

Turning to the second Molski factor, the undersigned has reviewed the dockets related to plaintiff's previous lawsuits in this court and lists those cases below. "An adequate record for review should include a listing of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed." De Long, 912 F.2d at 1147; see also Ringgold-Lockhart, 761 F.3d at 1063 (a district court compiles a proper record for review where a complete list of the cases filed by the litigant, alongside those complaints, accompanies the vexatious litigant order).

Plaintiff has filed at least 15 cases in this district, including the instant case. All previous cases have been unsuccessful, and most of them involved large numbers of defendants and repeatedly rejected allegations of vast conspiracies against plaintiff to violate his civil rights. Plaintiff's previous cases in this court, of which the undersigned takes judicial notice, are:

•McGee v. Craig, et al., 2:98-cv-1026 GEB DAD ("McGee I") (188-page complaint naming 200 defendants);

•People of the State of California v. McGee, 2:98-mc-0321 DFK PAN ("McGee II") (purported removal action, summarily remanded to state court);

•McGee v. Davis, 2:01-mc-00179 LKK PAN ("McGee III") (238-page complaint against 88 named defendants and 108 Doe defendants, summarily dismissed);

•McGee v. People of the State, et al., 2:04-cv-00283 GEB KJM ("McGee IV") (purported removal of a state criminal prosecution; summarily remanded);

•McGee v. Schwarzenegger, et al., 2:04-cv-2598 LKK DAD ("McGee V") (complaint against multiple state and local elected officials and government entities; dismissed on defendants' motions);

•McGee v. MMDD Sacramento Project, et al., 2:05-cv-00339 WBS DAD ("McGee VI") (purported removal of unlawful detainer action related to commercial property; remanded);

•McGee v. State Senate, 2:05-cv-02632 GEB EFB ("McGee VII") (complaint naming 40 government entities and elected officials; dismissed under Rules 8 and 12(b)(6));

•McGee v. Seagraves et al., 2:06-cv-00495 MCE GGH ("McGee VIII") (purportedly removed unlawful detainer action; remanded);

•McGee v. State of California, 2:09-cv-00740 GEB EFB ("McGee IX") (lawsuit against dozens of public entities and officials; dismissed);

•McGee v. Attorney General State of California, et al., 2:10-cv-00137 KJM ("McGee X")

(petition for writ of habeas corpus; summarily dismissed for lack of jurisdiction; appeal dismissed by Ninth Circuit as frivolous);

•McGee v. Attorney General State of California, et al., 2:11-cv-02554 CMK ("McGee XI") (petition for writ of habeas corpus; summarily dismissed for lack of jurisdiction);

•McGee v. State of California, et al., 2:14-cv-00823 JAM KJN ("McGee XII") (complaint naming 69 defendants, including multiple government entities, elected officials, and youth baseball organizations; dismissed);

•McGee v. State of California, et al., 2:16-cv-01796 JAM EFB ("McGee XIII") (dismissed on defendants' motion; appeal dismissed by Ninth Circuit as frivolous);

•McGee v. Airport Little League Baseball, Inc., et al., 2:21-cv-01654 DAD DB ("McGee XIV") (dismissed on defendants' motions).

The court is unaware of any case in which McGee has presented a successful claim. Nonetheless, because of plaintiff's habit of naming so many defendants, many of the cases have generated significant filings in the form of various defense motions, such as successful motions to dismiss and motions for a more definite statement. Plaintiff also typically brings numerous motions for preliminary or miscellaneous relief, which are consistently denied. In the present case, there are already 213 docket entries, including 27 pending motions. ECF Nos. 33, 52, 54, 55, 57, 59, 61, 65, 67, 68, 71, 83, 84, 87, 90, 92, 95, 98, 104, 106, 107, 108, 116, 148, 173, 175, 180. This volume of motion practice substantially enhances the burdens imposed by plaintiff's filings, as now discussed in greater detail.

In plaintiff's response to the order to show cause, he confirms his awareness of his own extensive litigation history in this court. Plaintiff writes in his declaration, "I have filed at least 21 cases in this district including the instant case since 1998. All of my previous cased have been filed because defendants have participated in a vast racially motivated conspiracy to deprive me of my rights[.]" ECF No. 213 at 10.

Plaintiff notes that his "previous cases in this court have been dismissed for failure to state a claim pursuant to the Federal Rules of Civil Procedure Rules 8 or 12. I filed the actions set out below because I wanted the defendants to: stop participating in the conspiracy; stop executing the policy; and stop intimidating and retaliating against me for exercising and asserting my civil rights and I wanted to be made whole. I have also requested injunctive relief in this court on at least 11 separate occasions. This Court has denied my request for injunctive relief without ruling on the merits of my request." Id. It is clear from plaintiff's litigation history and his comments that his lawsuits are numerous and meritless.

D. The Frivolous or Harassing Nature of Mr. McGee's Litigation

"[B]efore a district court issues a pre-filing injunction . . . it is incumbent on the court to make substantive findings as to the frivolous or harassing nature of the litigant's actions." De Long, 912 F.2d at 1148. The Ninth Circuit has adopted the Second Circuit's framework on this prong, which requires the court to consider the litigant's history, motives, representation by counsel, as well as the expense to others or burdens on the court and the possibility of other sanctions. *Ringgold-Lockhart*, 761 F.3d at 1062; *Molski*, 500 F.3d at 1058 (quoting Safir, 792 F.2d at 24). For the reasons now explained, the weight of these considerations supports a substantive finding that Mr. McGee has engaged in frivolous and harassing behavior by filing the lawsuits listed above.

(1) Mr. McGee's history of vexatious, harassing lawsuits.

Mr. McGee's filings, enumerated above, have been both numerous and uniformly meritless. The reasons for the dismissal of McGee's previous lawsuits show that his complaints are routinely either repetitive, frivolous, harassing, or all of the above. In his first case, *McGee v. Craig*, the court summarized the suit as follows: "In a 188-page complaint filed June 3, 1998, plaintiffs complain that more than 200 defendants, including the Governor of the State of California, the State Attorney General, the Sacramento District Attorney, a newspaper, a school district, little league baseball, and officers of state and local agencies, among others, conspired to deny plaintiffs' civil rights." McGee I at ECF No. 216. That case was litigated to conclusion, and plaintiff's overarching conspiracy claims were dismissed. McGee I at ECF Nos. 182-185.[3] Despite the fact that McGee I was litigated to conclusion and resulted in an adverse judgment with preclusive effect, Mr. McGee continued to file lawsuits against large numbers of defendants, many of whom were required to appear over and over again, based upon the same broad race discrimination conspiracy claims.

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[3] Plaintiff's claims against the vast majority of defendants, and all conspiracy claims, were dismissed pre-trial. See McGee I, ECF No. 217 (recommendation of magistrate judge for entry of judgment in favor of defendants who had previously succeeded on motions to dismiss). The case proceeded to trial against five officers from the Sacramento County Sherriff's Department on claims arising from a limited set of facts. See id. at ECF No. 430. All claims against all (continued...) defendants were dismissed during trial on defendants' motions for judgment as a matter of law under Fed. R. Civ. P. 50. Id. at ECF Nos. 488, 490, 492. None of plaintiff's subsequent lawsuits have progressed past the pleading stage.

Between McGee I and the case at bar, plaintiff has filed at least six lawsuits alleging a vast racists conspiracy among large swaths of the private and public sectors. See McGee III, McGee VII, McGee IX, McGee XII, McGee XIII, McGee XIV. The claims and defendants in these cases were substantively the same, as often expressly acknowledged by plaintiff himself. For example, in McGee XII, plaintiff sued a large number of defendants including the Governor of the State of California, the State Attorney General, the Sacramento City Council, multiple little league baseball organizations, the Doubletree Hotel, a property management company, and multiple law firms. McGee XII at ECF No. 1. The complaint stated that "All wrongs complained of in this compliant were committed against plaintiff pursuant to defendant's policy of 'Discriminating Against African American in Law Enforcement Programs and Activities,' (the Policy) and for the purpose of implementing, maintaining, promulgating, and executing the Policy." Id. at 7. Mr. McGee wrote that his case was part of an ongoing discrimination conspiracy that had been in process since December 15, 1993, and he cited his own lawsuits going back to McGee I. Id. at 8-55.

McGee XII was before Magistrate Judge Kendall J. Newman, who summarized the case by stating that the "claims are apparently based on numerous different incidents that allegedly took place from approximately 1993-2014, including, but not limited to, exclusion from participation in the affairs of Florin Little League Baseball, various hostile encounters with different city and county law enforcement agencies, plaintiff's eviction from multiple properties through unlawful detainer actions,

certain debt collection activities undertaken against plaintiff, the prosecution of criminal actions against plaintiff, interference with plaintiff's businesses and liquor licenses for those businesses, an incident of racial discrimination at a hotel, and failure to protect plaintiff from a hostile neighbor." ECF No. 17 at 4. Judge Newman went on to recommend dismissal of most of the defendants for improper joinder, finding that although "plaintiff asserts in conclusory fashion that all defendants acted as part of a vast racially motivated conspiracy, the above-mentioned incidents in plaintiff's complaint actually implicate different groups of defendants (from different governmental and private entities), and involve different events, different types of acts, different times, and different subject matter. As such, plaintiff has improperly joined defendants in this action." Id. at 6. Judge Newman then sua sponte recommended dismissal of the remainder of plaintiff's complaint on the grounds of claim preclusion and res judicata. When discussing the claims against little league baseball, Judge Newman noted that plaintiff's complaint expressly referenced McGee I and found that "the claims in both the 1998 action and the present action (as narrowed) arise from the same transactional nucleus of facts concerning plaintiff's exclusion from participation in the affairs of" little league baseball. ECF No. 17 at 8.

Judge Newman issued a clear warning to Mr. McGee about the potential consequences of repeatedly filing vexatious and frivolous lawsuits. First, he wrote that "[a] review of the court's dockets indicates that plaintiff has filed over ten complaints, including several complaints alleging the same conspiracy to violate his civil rights against several of the same defendants." McGee IX at ECF No. 17 at 6.

Judge Newman then warned plaintiff as follows: "Plaintiff is cautioned that any future assertion of claims barred by principles of claim preclusion and res judicata, or claims barred by the applicable statute of limitations, may result in the imposition of Rule 11 sanctions, the declaration of plaintiff as a vexatious litigant, and/or the imposition of any other appropriate sanctions." Id. at 9 (emphasis in original).

Similar warnings were issued in multiple later cases. In McGee XII, the court wrote, "Plaintiff is cautioned that any future assertion of claims barred by principles of claim preclusion and res judicata, or claims barred by the applicable statute of limitations, may result in the imposition of Rule 11 sanctions, the declaration of plaintiff as a vexatious litigant, and/or the imposition of any other appropriate sanctions." McGee XII at ECF No. 17 at 9. In McGee XIII, it was noted that "The instant case is one of many actions plaintiff has filed in this district, the vast majority of which have been dismissed for failure to state a claim . . . These cases demonstrate a history of plaintiff filing complaints that assert vague and general allegations of discrimination without specific facts that could entitle him to relief on any particular cause of action." McGee XIII at ECF No. 59 at 8.

Now before the court is McGee XV. The case is reminiscent of the cases which preceded it. Plaintiff sues the Governor of the State of California, the State Attorney General, the City of Sacramento, the Sacramento District Attorney, a newspaper editor, a school district, little league baseball organizations, the Doubletree Hotel, and numerous officers of state and local agencies, among others. ECF No. 28 at 1-4. Plaintiff alleges that "From December 1993 until the present [the Elk Grove Unified

School District] and each Defendant listed in the Complaint have been engaged in a vast racially motivated conspiracy to deprive Plaintiff and others their rights secured by the Fourteenth Amendment of the United States Constitution . . . on the grounds of their race and color and solely on account they are African American (the racially motivated conspiracy)[.]" Id. at 7.[4] The Amended Complaint specifically acknowledges that the case before the court today is part of a series of repetitive lawsuits. Under the heading "History of the Conspiracy" plaintiff writes, "Plaintiff has frequented this court on numerous occasions with his pro se litigation. A review of the court's dockets indicates that plaintiff has filed over ten complaints, including several complaints alleging the same conspiracy to violate plaintiff's civil rights against several of the same defendants." ECF No. 28 at 23 (citing McGee I, IV, VI, VII, VIII, and X, as well as a case plaintiff removed from state court in which he was the defendant, *Hildebrand v. McGee*, 2:00-cv-01578 GEB DAD, which was

[4] The court notes that as part of the case at bar, plaintiff alleges that defendants continue to discriminate against him and that the County of Sacramento is retaliating against him for trying to collect $7,517 to "punish Plaintiff for taking action and participating in the action entitled *McGee v. Wilson* case no. Civ-S-98-1026-FCD-PAN-PS." Id. at 8-9. In the action to which plaintiff refers, McGee I, plaintiff asserted a similar vast conspiracy to discriminate against African Americans, and after the court determined that the complaint contained some "meritless and vexatious claims" defendants were awarded $14,000 in reasonable attorneys' fees. McGee I at ECF No. 514 at 9-13. Though it is not entirely clear from the instant complaint, plaintiff appears to be referring to the County's ongoing efforts to collect those fees.

remanded). Plaintiff goes on to state that in McGee X, the court stated that "many of the 153 defendants named in the fourth amended complaint have been named in one or more of plaintiff's previous actions before this court." Id. at 25.

Plaintiff's other cases in this district, those not clearly tied to the racist conspiracy theory, have been equally frivolous. Plaintiff twice removed unlawful detainer actions that were immediately remanded to state court (McGee VI and McGee VIII). Plaintiff twice filed cases styled as actions in Habeas Corpus that were dismissed at the outset because plaintiff was not in custody (McGee X and McGee VI). In 2004, plaintiff attempted to remove a state criminal case against him to this court (McGee IV), and when that case was summarily remanded, he filed a civil action alleging a vast racist conspiracy to violate his rights based on the criminal prosecution (McGee V).

Since McGee I, none of plaintiff's cases have successfully stated any claim for relief that passed beyond the pleading stage. Many defendants have been sued over and over in relation to identical or related matters. Because plaintiff typically pays the filing fee rather than seeking in forma pauperis status, his complaints are not screened by the court prior to service. Accordingly, defendants have been obliged to appear, to respond to the complaints, and to respond to plaintiff's frequent motions for temporary restraining orders, default judgment, summary judgment, and other miscellaneous relief, notwithstanding the apparent frivolity of those motions and plaintiff's claims. The substantial burden thus imposed on the court and on defendants, in the persistent absence of viable claims, highlights the vexatious and

harassing nature of plaintiff's litigation history. The court therefore finds that Mr. McGee's previous filings, and his failure to heed warnings regarding the filing of frivolous lawsuits, weigh heavily in favor of limiting his ability to continue engaging in frivolous litigation. This record supports a substantive finding of vexatiousness. See Molski, 500 F.3d at 1059.

(2) Mr. McGee's motive and the lack of objective good faith expectation of prevailing

The gravamen of the instant case has been effectively rejected numerous times before, which suggests that plaintiff cannot have a reasonable, good faith expectation that he will prevail

now. Plaintiff's 140-page operative Amended Complaint alleges that defendants "have adopted, implemented, maintained, promulgated, and executed a Policy of Discriminating Against African Americans on the Grounds of their Race in Law Enforcement Programs and Activities." ECF No. 28 at 7. As stated above, plaintiff acknowledges that this case is based on an ongoing race discrimination conspiracy theory that he has previously attempted to litigate without success. Id. ("[f]rom December 1993 until the present . . . each Defendant listed in this Complaint have been engaged in a vast racially motivated conspiracy to deprive Plaintiff and others of their rights secured by the Fourteenth Amendment of the United States Constitution . . . on the grounds of their race and color and solely on account they are African American (the racially motivated conspiracy[.]"). Plaintiff does not appear to view his litigation pattern as problematic. To the contrary, he appears to have been

emboldened by his success in repeatedly hauling his perceived enemies into federal court and is clearly committed to continuing his campaign against them.

As discussed in detail above, plaintiff's own filings—including his response to the Order to Show Cause—make very clear that he is knowingly attempting to re-litigate many of the same claims against many of the same defendants he has unsuccessfully sued before. Although plaintiff has been repeatedly warned against pursing repetitive litigation, the contents of the currently pending amended complaint and his response to the OSC demonstrate that he has no intention of discontinuing this practice. His racial conspiracy lawsuits have been repeatedly rejected and plaintiff has been told that his conspiracy theories fail to state a cognizable claim for relief, yet he continues to file substantially similar actions against large numbers of defendants. It appears unlikely that a litigant in Mr. McGee's position could maintain a good–faith expectation of prevailing in his actions. See *Endsley v. California*, 2014 WL 5335857 (C.D. Cal. Oct. 16, 2014) (aff'd in part, *Endsley v. California*, 627 Fed App'x 644 (9th Cir. 2015)) (civil detainee declared a vexatious litigant after bringing numerous cases alleging the same constitutional "violations;" the court found Plaintiff could not have had an "objective good faith expectation of prevailing" on claims he had already been told were not cognizable).

Although the undersigned makes no findings regarding Mr. McGee's own subjective beliefs about his ability to prevail in his repetitive litigation, he cannot possibly maintain an objective good-faith expectation of prevailing in the face of the numerous dismissal and warnings from the court he has received, discussed in detail

above. Plaintiff's litigation history, which he acknowledges involves at least 21 cases in this court based on the same vast conspiracy allegations (ECF No. 213 at 10), is objectively inconsistent with good faith. From McGee I, in which plaintiff "sought redress from 201 participants in the conspiracy" to the case before the court today, in which plaintiff "filed the 188-page complaint because defendants were engaged in a vast conspiracy to deprive me of my civil rights" (ECF No. 213 at 11), plaintiff has repeatedly burdened this court with repetitive litigation in which he could have no reasonable expectation of prevailing.

(3) Mr. McGee's lack of counsel

In every one of the actions Mr. McGee has filed, he has proceeded pro se. Though courts are generally protective of pro se litigants, the undersigned finds this factor cannot outweigh Mr. McGee's abusive litigation tactics.

(4) Mr. McGee has caused needless expense to other parties and has posed an unnecessary burden on the courts and their personnel

Mr. McGee's abusive litigation tactics have imposed an unnecessary burden on the personnel of this court. Employees in the Clerk's office must repeatedly scan and file his lengthy and frivolous complaints and motions, which judges in this court must review (and given his history, dismiss). The Clerk's office must then mail out these orders. Further, Mr. McGee has a habit of filing motions for temporary restraining orders, which forces the court to prioritize his frivolous and repetitive complaints. ECF No. 3 (denied at ECF No. 21), McGee I at ECF No. 11 (denied at ECF No. 186); McGee V at ECF No. 3 (denied at ECF No. 46); McGee VI at ECF No. 3 (denied at

ECF No. 18); McGee VII at ECF No. 33 (denied at ECF No. 35); McGee IX at ECF Nos. 7 and 8 (denied at ECF No. 17); McGee XII at ECF No. 11 (denied at ECF No. 19); McGee XIII at ECF No. 5 (denied at ECF No. 18).

Additionally, Mr. McGee's specific litigation tactics impose excessive burdens on the entities and individuals that he sues, particularly those who are sued repeatedly. Mr. McGee's tendency to name a large number of defendants (often in the hundreds) prompts significant litigation in each case he files. See, e.g., McGee I (42 defendants and 514 docket entries); McGee III (88 named defendants and 108 Doe defendants, 33 docket entries due to denial of request to proceed in forma pauperis (ECF No. 36)); McGee VII (40 defendants and 100 docket entries); McGee IX (153 defendants and dismissed without leave to amend pursuant to 28 U.S.C. § 1915(e)(2) screening); McGee XII (69 defendants, dismissed at the outset on grounds of claim preclusion, res judicata, and improper joinder of defendants (ECF No. 17)); McGee XIII (7 defendants, dismissed without leave to amend in light of plaintiff's litigation history (ECF No. 59)). The present case involves 167 defendants and 213 docket entries as of August 7, 2024, including 26 motions responsive to the complaint from various defendants. ECF Nos. 33, 52, 54, 55, 57, 59, 61, 65, 67, 68, 71, 83, 84, 87, 90, 92, 95, 98, 104, 106, 107, 108, 116, 148, 173, 180.

The City of Sacramento, which brings the present motion to declare petitioner a vexatious litigant, has been named as a defendant in at least five previous lawsuits on substantially similar grounds as those presented in this case. See McGee V; McGee VII; McGee XII; McGee XIII; McGee XIV. These lawsuits have also named a

large and rotating cast of City departments, employees, and elected officials. All previous claims against the City and other City defendants have been dismissed as frivolous or unsupported by facts.

It is apparent that Mr. McGee has no intention of discontinuing his repeat litigation. Accordingly, unless the court halts Mr. McGee's actions, his abusive tactics will pose an unnecessary burden on other parties as well as the court and its personnel. See *Spain v. EMC Mortg. Co.*, 2010 WL 3940987, at *12 (D. Ariz. Sept. 27, 2010), aff'd sub nom. *Spain v. EMC Mortg. Corp.*, 487 F. App'x 411 (9th Cir. 2012) (finding unnecessary burden where the litigant persistently filed motions and other submissions that were baseless, causing unnecessary expense to the parties and needless burden on the courts).

(5) Multiple judges in this district have attempted to institute alternative sanctions, but these have gone unheeded and have been inadequate to protect the courts and third parties.

As set forth above, plaintiff has been repeatedly cautioned against filing repetitive litigation. Admonitions have had no effect. Dismissals of claims as frivolous, unsupported by facts, and barred by res judicata has had no effect. The undersigned concludes that the only way to end Mr. McGee's abusive and frivolous litigation is to consider a restrictive pre–filing order. See Spain, 2010 WL 3940987, at *12 ("Especially because plaintiff has not heeded any of this court's prior warnings regarding the manner in which he has conducted this litigation, the need for a carefully circumscribed pre-filing order is readily apparent.").

IV. Narrowly Tailored Vexatious Litigant Order

In *Molski*, the Ninth Circuit approved the scope of a vexatious litigant order because it prevented the plaintiff from filing "only the type of claims [he] had been filing vexatiously," and "because it will not deny [him] access to courts on any . . . claim that is not frivolous." Molski, 500 F.3d at 1061. Here, to prevent the types of claims plaintiff has been filing vexatiously, the undersigned recommends the following pre–filing order:

(a) Plaintiff is barred from use of the in forma pauperis motion under 28 U.S.C. § 1915(a)(1) in the United States District Court for the Eastern District of California;

(b) Any future filing, of any kind, by plaintiff in the United States District Court for the Eastern District of California shall include a cover page including the following words in all capital letters at the top of the front page: "PLAINTIFF HAS BEEN DECLARED A VEXATIOUS LITIGANT IN CASE NO. 2:24-cv-00012-TLN AC PS;"

(c) Any future filing, of any kind, by plaintiff in the United States District Court for the Eastern District of California shall include a declaration under penalty of perjury explaining why plaintiff believes he has meritorious claims;

(d) Any future filing, of any kind, by plaintiff in the United States District Court for the Eastern District of California shall include a declaration listing all previous actions he has filed in this court or any other court; identifying named defendants and all claims made in the previous actions; certifying as to the

newly submitted case that the defendants have not been sued before or that any claims against previous defendants are not related to previous actions; stating that the current claims are not frivolous or made in bad faith; and declaring that he has conducted a reasonable investigation of the facts—an investigation which supports his claims;

(e) The requirements of (b) through (d), above, shall be waived if plaintiff's filing is made on his behalf by a licensed attorney at law in good standing who signs the filing as the attorney of record for plaintiff;

(f) If a proposed filing by plaintiff appearing as a self-represented litigant does not contain all the above, the Clerk of the Court shall be directed to lodge (not file) it and the Court shall not review it. If plaintiff submits an action as a self-represented litigant accompanied by the documents described above, then the Clerk of the Court will be directed to open the matter as a miscellaneous case to be considered by the General Duty Judge of this Court. The General Duty Judge shall determine whether the case constitutes frivolous, repetitive, or otherwise barred litigation. If the General Duty Judge in his or her discretion determines that the proposed lawsuit is frivolous, repetitive, or otherwise barred, he or she will dismiss the action without comment pursuant to the contemplated pre-filing order.

The undersigned finds the scope of this order narrow enough to still allow plaintiff access to the courts, but broad enough to cover—and halt—his vexatious behavior. Molski, 500 F.3d at 1061

V. Findings and Recommendations

Accordingly, it is hereby RECOMMENDED that plaintiff Jefferson A. McGee be declared a vexatious litigant in the U.S. District Court for the Eastern District of California and be held subject to the pre-filing order described in Section IV above. The court further RECOMMENDS that this action be held subject to the pre-filing order and that plaintiff be required to comply with its provisions within 30 days.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen (14) days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections shall be served on all parties and filed with the court within fourteen (14) days after service of the objections. The parties are advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. *Turner v. Duncan,* 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst,* 951 F.2d 1153, 1156-57 (9th Cir. 1991).

IT IS SO ORDERED.

DATED: August 7, 2024

/s/ALISON CLAIRE

UNITED STATES MAGISTRATE JUDGE

FILED: September 5, 2024

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERSON A. MCGEE No. 2:24-cv-00012-Plaintiff, TLN-AC

v.

THE STATE OF CALIFORNIA ET.AL.,

Defendants,

_____/

ORDER

Plaintiff is proceeding in this action in pro per. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1)(B) and Local Rule 302.

On August 7, 2024, the magistrate judge filed findings and recommendations herein which were served on all parties, and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 214.) Plaintiff filed objections to the findings and recommendations, which the Court considered. (ECF No. 215.)

The Court presumes that any findings of fact are correct. *See Orand v. United States,* 602 F. 2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed as *de novo.* See *Britt v. Simi Valley Unified School Dist.,* 708 F.2d 452,

454 (9th Cir. 1983). Having reviewed the file, the Court finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, filed on August 7, 2024, (ECF No. 214), are ADOPTED IN FULL;
2. The Court DECLARES Plaintiff, Jefferson A. McGee, a vexatious litigant in the United States District Court for the Eastern District of California;
3. Plaintiff is held subject to the Pre-Filing Order described in Section IV of the findings and recommendations (ECF No. 214 at 16-17); and
4. Plaintiff shall comply with the Pre-Filing Order within thirty (30) days of the electronic filing date of this Order.

Dated: September 5, 2024

/s/Troy L. Nunley

United Staes District Judge

FILED: October 15, 2024

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

JEFFERSON A. McGEE, No. 2:24-cv-00012

Plaintiff, TLN AC (PS)

v. FINDINGS

STATE OF CALIFORNIA, et al., AND

Defendants. RECOMMENDATIONS

_____/

Plaintiff is proceeding in this action pro se. The action was accordingly referred to the undersigned for pretrial matters by E.D. Cal. R. ("Local Rule") 302(c)(21). On September 6, 2024, the court declared plaintiff a vexations litigant and ordered him to comply with specified requirements contained in a pre-filing order if he wished to continue prosecuting this case. ECF No. 216. Plaintiff had 30 days to comply with the requirements. Id. More than 30 days have passed, and plaintiff has taken no further action in this case.

Therefore, IT IS HEREBY RECOMMENDED that this action be dismissed for failure to comply with the court order.

These findings and recommendations are submitted to the United States District Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within twenty-one (21) days after being served with these findings and recommendations, plaintiff may file written objections with the court. Such

document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Local Rule 304(d). Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

DATED: October 15, 2024

/s/Allison Claire

UNITED STATES MAGISTRATE JUDGE

FILED: January 27, 2025

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

JEFFERSON A. McGEE, No. 2:24-cv-00012-

Plaintiff, TLN-AC

v.

STATE OF CALIFORNIA, et al., ORDER

Defendants.

_____/

Plaintiff Jefferson A. McGee ("Plaintiff") is proceeding in this action pro se and in forma pauperis. The matter was referred to a United States Magistrate Judge pursuant to Local Rule 302(c)(21).

On October 15, 2024, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within twenty one days. (ECF No. 218.) Plaintiff has filed objections to the findings and recommendations. (ECF No. 219.)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The Findings and Recommendations filed October 15, 2024 (ECF No. 218) are ADOPTED IN FULL; and

2. This action is DISMISSED for failure to comply with the Court order.

IT IS SO ORDERED.

Date: January 24, 2025

/S/TROY L. NUNLEY

CHIEF UNITED STATES DISTRICT JUDGE

Filed January 27, 2025

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

JEFFERSON A. MCGEE ,

v.

STATE OF CALIFORNIA , ET AL. ,

_____/

JUDGMENT IN A CIVIL CASE CASE NO: 2:24-CV-00012-TLN-AC

Decision by the Court. This action came before the Court. The issues have been tried, heard or decided by the judge as follows:

IT IS ORDERED AND ADJUDGED THAT JUDGMENT IS HEREBY ENTERED IN ACCORDANCE WITH THE COURT'S ORDER FILED ON 1/27/2025.

ENTERED: January 27, 2025

/s/ Keith Holland

Clerk of Court

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

JEFFERSON A. McGEE,
Plaintiff,

v.

THE STATE OF CALIFORNIA,

Defendant,

_____/

Case No

COMPLAINT AND
DEMAND FOR JURY TRIAL
FOR VIOLATION OF TITLE 42 U.S.C. §§ 1981, 1982, 1983, 1985, 1986, 2000A, 2000D; TITLE 18 U.S.C. §§1961-1968; CALIFORNIA CIVIL CODE §§51 AND 52

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INTRODUCTION

Plaintiff alleges:

1. The State of California, the Governor of California, the Attorney General of California, the California Legislature their officers, legislative bodies, political subdivisions, municipalities, and agencies (hereinafter referred to as "the State") have adopted, implemented, maintained, promulgated, and executed a Policy of Discriminating Against African Americans on the Grounds of their Race in Law Enforcement Programs and Activities (the Policy). Defendant is executing the Policy while using law enforcement programs and activities receiving financial assistance from the United States Department of Justice (DOJ). From December 1993 until the present the State has been engaged in a vast racially motivated conspiracy to deprive Plaintiff and others of their rights secured by the Fourteenth Amendment to the United States Constitution (Fourteenth Amendment) Title 42 U.S.C. §§1981, 1982, 2000a, 2000d, and Ca. Civ. Code §51,(civil rights) on the grounds of their race and color and solely on the account they are African American, in violation of Title 18 U.S.C. §§ 1961 through 1968, Title 42 U.S.C. §§1983, 1985, 1986, Cal. Civ. Code §§ 51 and 52, causing Plaintiff to lose income. (the racially motivated conspiracy)

2. In furtherance of the conspiracy set out above the State conspired to deprive Plaintiff and other African Americans of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of Little League Baseball Inc. (LLBB), Airport Little League Baseball Inc. (APLL), Florin Little

League Baseball Inc. (FLLB) and the sports arena owned by the municipalities and political subdivisions of the State of California.

3. On January 2, 2024, Plaintiff filed an action in this Court complaining that the State was conspiring with others to deprive him of his civil rights and participating in racketeering activities against him. Plaintiff moved this Court for a Temporary Restraining Order (TRO) requesting this Court stop the State and LLBB from depriving him of his civil rights. The action was entitled *McGee v. State of California* civ-24-0012-TLN-AC (McGee XV). District Court Judge Troy L. Nunley's summary of Plaintiff's complaint and motion for TRO is set out below.

4. "Plaintiff broadly alleges Defendants engaged in a "racially motivated conspiracy" in violation of various state and federal laws. (ECF No. 1 at 8.) More specifically, Plaintiff alleges Defendants "conspired to deprive [him] and other African Americans of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of Little League Baseball, Inc., Airport Little League Baseball, Inc., and [a] sports arena owned by the City." (Id.) Plaintiff also alleges Defendants prevented him from using City property and intimidated and retaliated against him in October 2021 because he had filed prior actions against the City in 2010 and 2014. (Id.) Plaintiff then alleges Defendants sent him letters in October, November, and December 2023 demanding he pay the County $7,517 to punish him for filing the prior actions. (Id. at 8–9.) Plaintiff alleges he "is frightened" and "it is hard for [him] to concentrate on his work because [he] does not know what [Defendants] will do to collect the $7,517." (Id.

at 9.) Plaintiff seeks monetary damages and injunctive relief. (Id. at 138–149.) Plaintiff requests the Court enjoin Defendants from taking the following actions: (1) intimidating and retaliating against him; (2) searching, detaining, or harassing him; (3) withholding and interfering with his real and personal property; (4) refusing to enter judgments in his favor; (5) maintaining false criminal records on him; (6) interfering with Plaintiff's liquor license for his business; (7) withholding Plaintiff's handgun; (8) using government entities and public monies to break the laws of the United States; (9) implementing a general policy and conspiracy to discriminate against African Americans; and (10) that Little League Baseball, Inc. be enjoined from holding any games, tournaments, practices, or conditioning sessions. (ECF No. 3 at 2–3.)...

As to irreparable harm, Plaintiff argues Defendants sent him letters in October, November, and December 2023, demanding payment of $7,517. (ECF No. 3 at 24.) Plaintiff argues these letters "punished Plaintiff by intimidating and retaliat[ing] against him." (Id.) Plaintiff also argues the State of California has refused and neglected to arrest individuals that Plaintiff previously alleged committed crimes against him. (Id. at 25.) Plaintiff then vaguely argues that if Defendants are not restrained, he will continue to suffer irreparable injury. (Id. at 25–26.)" *See McGee XV ECF 21."*

5. Plaintiff in this actions is alleging the States continues to send letters and make phone calls demanding he pay the County of Sacramento $7,517. Plaintiff continues to be frightened and it is hard for him to concentrate on his work

because he does not know that the State will do to collect the $7,517. Plaintiff is seeking monetary damages and injunctive relief.

PARTIES

6. At all times mentioned in this Complaint Plaintiff is Jefferson A McGee. Plaintiff is an African American citizen residing in the County of Sacramento, State of California. Plaintiff is a member of a protected class pursuant to the federal civil right statutes.

7. At all times mentioned in this Complaint Defendant State of California is a member of the several sovereign states of the United States of America.

8. At all times mentioned in this Complaint Defendant California Governor (Governor) is the chief Executive of the State of California, and an officer of the State with official policy making authority.

9. At all times mentioned in this Complaint California Attorney General (Attorney General) is the chief law enforcement officer of the State of California, and an officer of the State with official policy making authority.

STATEMENT OF JURISDICTION AND VENUE

10. Jurisdiction of this court is evoked under the provisions of Title 28 U.S.C. §§ 1331, 1343(3), 1367(a); and Title 18 U.S.C. §§ 1961 and 1968; Title 42 U.S.C. §§ 1981, 1982, 1983, 1985, 1986, 2000. This Court has supplemental jurisdiction over the related state law claims pursuant to Article III of the United States Constitution. Plaintiff's state law claims share all common operative facts with

his federal claims and a single action serves the interest of judicial economy, convenience, consistency, and fairness to the parties.

11. The venue is proper in that, Defendant is subject to the personal jurisdiction of this Court because Defendant maintains facilities and business operations in this District, and all or most of the events giving rise to this action occurred in this District. *28 U.S.C. § 1391(b).*

12. Pursuant to *Local Rule 120* of this District, assignment to the Sacramento Division of this Court is proper because all or most of the events giving rise to Plaintiff's claims occurred in Sacramento County.

FACTUAL BACKGROUND

13. On January 2, 2024, Plaintiff filed *McGee v. State of California* 2:24-cv-00012-TLN-AC-PS (McGee XV) in this Court complaining the State was engaged in a "racially motivated conspiracy" in violation of state and federal laws. Plaintiff also complained that in furtherance of the Conspiracy the County of Sacramento (the County) sent him letters demanding he pay the County $7,517 to punish him for filing prior actions. As to irreparable harm Plaintiff alleged the State sent letters in October, November and December 2023 demanding payment of $7,517 and the letters punished him by intimidating and retaliating against him. Plaintiff also alleged the State of California has refused and neglected to arrest individuals that Plaintiff previously alleged committed crimes against him. Plaintiff further complained he is "frightened" and "it is hard for [him] to concentrate on his work because he does not know what Defendants will do to collect the $7,517.

14. The State and LLBB had an opportunity to dispute the allegations set out in Judge Nunley's January 4, 2024, order and, also had an opportunity to dispute allegations set out in Plaintiff's complaint and motion for TRO but did not dispute any allegations set out in the complaint and motion for TRO. The allegations and contentions made in McGee XV are undisputed. Plaintiff requested this Court grant him a temporary restraining order preventing defendants from depriving him of his civil rights.

15. Also, on or about January 2, 2024, the Governor and Attorney General received a copy of the complaint and the motion for TRO filed in McGee XV. After receiving the complaint and motion for TRO, the State made a decision to continue to engage in the racially motivated conspiracy. The State continued to punish Plaintiff for filing prior actions in this Court by demanding Plaintiff pay the County $7,517.

16. The State had actual knowledge that demanding that Plaintiff pay the County $7,517 was frightening for Plaintiff and making it hard for him to concentrate on his work because Plaintiff did not know what the State and others would do to collect the $7,517.

17. The State refused and neglected to stop punishing and harassing Plaintiff and continued to demand Plaintiff to pay the County $7,517.

18. On January 4, 2024, the Court entered an order denying Plaintiff's motion for TRO. The State and LLBB did not dispute any of the facts alleged in the complaint, TRO, and other filings related to Plaintiff's motion for TRO.

19. After Judge Nunley entered his order denying Plaintiff's request for TRO the State continued to punish Plaintiff by sending Plaintiff more letters and made a phone call requesting Plaintiff pay the County $7,517.

20. On February 20, 2024, the Governor and Attorney General directed the California Department of Justice (CDOJ) to continue to participate in the vast racially motivated conspiracy and to file a motion to dismiss McGee XV to cover up the crimes being committed against Plaintiff. CDOJ filed a motion to dismiss McGee XV in furtherance of the conspiracy set forth in this complaint.

21. On January 17, 2025, at around 11:30 am, a person from the County who identified herself as Ms. DeWitt called Plaintiff on his phone and demanded Plaintiff pay to County $7,517, she claimed he owed the County for legal fees.

22. Plaintiff has suffered many constitutional injuries and will continue to suffer more constitutional injuries if Defendants conduct is not restrained by the Court. (Irreparable Injury) Plaintiff is and has been losing income, suffering, and emotional distress.

23. Magistrate Judge Alison Claire summarized Plaintiff's previous action for this Court in her order to show cause dated July 2024, Judge Claire wrote:

"In his first case, *McGee v. Craig*, the court summarized the suit as follows: "In a 188-page complaint filed June 3, 1998, plaintiffs complain that more than 200 defendants, including the Governor of the State of California, the State Attorney General, the Sacramento District Attorney, a newspaper, a school district, little

league baseball, and officers of state and local agencies, among others, conspired to deny plaintiffs' civil rights. McGee I at ECF No. 216."

Plaintiff's previous cases in this court, of which the undersigned takes judicial notice, are:

- McGee v. Craig, et al., 2:98-cv-1026 GEB DAD ("McGee I") (188-page complaint naming 200 defendants);
- People of the State of California v. McGee, 2:98-mc-0321 DFK PAN ("McGee II") (purported removal action, summarily remanded to state court);
- McGee v. Davis, 2:01-mc-00179 LKK PAN ("McGee III") (238-page complaint against 88 named defendants and 108 Doe defendants, summarily dismissed);
- McGee v. People of the State, et al., 2:04-cv-00283 GEB KJM ("McGee IV") (purported removal of a state criminal prosecution; summarily remanded);
- McGee v. Schwarzenegger, et al., 2:04-cv-2598 LKK DAD ("McGee V") (complaint against multiple state and local elected officials and government entities; dismissed on defendants' motions);
- McGee v. MMDD Sacramento Project, et al., 2:05-cv-00339 WBS DAD ("McGee VI") (purported removal of unlawful detainer action related to commercial property; remanded);
- McGee v. State Senate, 2:05-cv-02632 GEB EFB ("McGee VII") (complaint naming 40 government entities and elected officials; dismissed under Rules 8 and 12(b)(6));

- McGee v. Seagraves et al., 2:06-cv-00495 MCE GGH ("McGee VIII") (purportedly removed unlawful detainer action; remanded);
- McGee v. State of California, 2:09-cv-00740 GEB EFB ("McGee IX") (lawsuit against dozens of public entities and officials; dismissed);
- McGee v. Attorney General State of California, et al., 2:10-cv-00137 KJM ("McGee X") (petition for writ of habeas corpus; summarily dismissed for lack of jurisdiction; appeal dismissed by Ninth Circuit as frivolous);
- McGee v. Attorney General State of California, et al., 2:11-cv-02554 CMK ("McGee XI") (petition for writ of habeas corpus; summarily dismissed for lack of jurisdiction);
- McGee v. State of California, et al., 2:14-cv-00823 JAM KJN ("McGee XII") (complaint naming 69 defendants, including multiple government entities, elected officials, and youth baseball organizations; dismissed); McGee v. State of California, et al., 2:16-cv-01796 JAM EFB ("McGee XIII") (dismissed on defendants' motion; appeal dismissed by Ninth Circuit as frivolous);
- McGee v. Airport Little League Baseball, Inc., et al., 2:21-cv-01654 DAD DB ("McGee XIV") (dismissed on defendants' motions).

"Between McGee I and the case at bar, plaintiff has filed at least six lawsuits alleging vast racists conspiracies among large swaths of the private and public sectors. See McGee III, McGee VII, McGee IX, McGee XII, McGee XIII, McGee XIV. The claims and

defendants in these cases were substantively the same, as often expressly acknowledged by the plaintiff himself. For example, in McGee XII, Plaintiff sued a large number of defendants including the Governor of the State of California, the State Attorney General, the Sacramento City Council, multiple little league baseball organizations, the Doubletree Hotel, a property management company, and multiple law firms. McGee XII at ECF No. 1. The complaint stated that "All wrongs complained of in this compliant were committed against plaintiff pursuant to defendant's policy of 'Discriminating Against African American in Law Enforcement Programs and Activities,' (the Policy) and for the purpose of implementing, maintaining, promulgating, and executing the Policy." Id. at 7. Mr. McGee wrote that his case was part of an ongoing discrimination conspiracy that had been in process since December 15, 1993, and he cited his own lawsuits going back to McGee I. Id. at 8- 55..."

"McGee XII was before Magistrate Judge Kendall J. Newman, who summarized the case by stating that the "claims are apparently based on numerous different incidents that allegedly took place from approximately 1993-2014, including, but not limited to, exclusion from participation in the affairs of Florin Little League Baseball, various hostile encounters with different city and county law enforcement agencies, plaintiff's eviction from multiple properties through unlawful detainer actions, certain debt collection activities undertaken against plaintiff, the prosecution of criminal actions against plaintiff, interference with plaintiff's businesses and liquor licenses for those businesses, an incident of

racial discrimination at a hotel, and failure to protect plaintiff from a hostile neighbor." ECF No. 17 at 4. Judge Newman went on to recommend dismissal of most of the defendants for improper joinder, finding that although "plaintiff asserts in conclusory fashion that all defendants acted as part of a vast racially motivated conspiracy, the above-mentioned incidents in plaintiff's complaint actually implicate different groups of defendants (from different governmental and private entities), and involve different events, different types of acts, different times, and different subject matter. As such, plaintiff has improperly joined defendants in this action." Id. at 6. Judge Newman then sua sponte recommended dismissal of the remainder of plaintiff's complaint on the grounds of claim preclusion and res judicata. When discussing the claims against little league baseball, Judge Newman noted that plaintiff's complaint expressly referenced McGee I and found that "the claims in both the 1998 action and the present action (as narrowed) arise from the same transactional nucleus of facts concerning plaintiff's exclusion from participation in the affairs of" little league baseball."

"Now before the court is McGee XV. The case is reminiscent of the cases which preceded it. Plaintiff sues the Governor of the State of California, the State Attorney General, the City of Sacramento, the Sacramento District Attorney, a newspaper editor, a school district, little league baseball organizations, the Doubletree Hotel, and numerous officers of state and local agencies, among others. ECF No. 28 at 1-4. Plaintiff alleges that "From December 1993 until the present [the Elk Grove Unified School District] and each Defendant listed in the

Complaint have been engaged in a vast racially motivated conspiracy to deprive Plaintiff and others their rights secured by the Fourteenth Amendment of the United States Constitution . . . on the grounds of their race and color and solely on account they are African American (the racially motivated conspiracy)[.]" Id. at 7[5]. The Amended Complaint specifically acknowledges that the case before the court today is part of a series of repetitive lawsuits. Under the heading "History of the Conspiracy" plaintiff writes, "Plaintiff has frequented this court on numerous occasions with his pro se litigation. A review of the court's dockets indicates that plaintiff has filed over ten complaints, including several complaints alleging the same conspiracy to violate plaintiff's civil rights against several of the same defendants." ECF No. 28 at 23 (citing McGee I, IV, VI, VII, VIII, and X, as well as a case plaintiff removed from state court in which he was the defendant, *Hildebrand v. McGee*, 2:00-cv-01578 GEB DAD, which was remanded). Plaintiff goes on to state that in McGee X, the court stated that "many of the 153 defendants

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[5] The court notes that as part of the case at bar, plaintiff alleges that defendants continue to discriminate against him and that the County of Sacramento is retaliating against him for trying to collect $7,517 to "punish Plaintiff for taking action and participating in the action entitled *McGee v. Wilson* case no. Civ-S-98-1026-FCD-PAN-PS." Id. at 8-9. In the action to which plaintiff refers, McGee I, plaintiff asserted a similar vast conspiracy to discriminate against African Americans, and after the court determined that the complaint contained some "meritless and vexatious claims" defendants were awarded $14,000 in reasonable attorneys' fees. McGee I at ECF No. 514 at 9-13. Though it is not entirely clear from the instant complaint, plaintiff appears to be referring to the County's ongoing efforts to collect those fees.

named in the fourth amended complaint have been named in one or more of plaintiff's previous actions before this court." Id. at 25."

"Plaintiff twice removed unlawful detainer actions that were immediately remanded to state court (McGee VI and McGee VIII). Plaintiff twice filed cases styled as actions in habeas corpus that were dismissed at the outset because plaintiff was not in custody (McGee X and McGee VI). In 2004, plaintiff attempted to remove a state criminal case against him to this court (McGee IV), and when that case was summarily remanded, he filed a civil action alleging a vast racist conspiracy to violate his rights based on the criminal prosecution (McGee V)."

"Plaintiff's 140-page operative Amended Complaint alleges that defendants "have adopted, implemented, maintained, promulgated, and executed a Policy of Discriminating Against African Americans on the Grounds of their Race in Law Enforcement Programs and Activities." ECF No. 28 at 7. As stated above, Plaintiff acknowledges that this case is based on an ongoing race discrimination conspiracy theory that he has previously attempted to litigate without success. Id. ("[f]rom December 1993 until the present . . . each Defendant listed in this Complaint have been engaged in a vast racially motivated conspiracy to deprive Plaintiff and others of their rights secured by the Fourteenth Amendment of the United States Constitution . . . on the grounds of their race and color and solely on account they are African American (the racially motivated conspiracy[.])." *See McGee XV ECF 197 pgs. 7-11.*

24. The State and the conspirators in McGee XV had an opportunity to dispute the allegations set out in Judge Claire's order to show cause dated July 1, 2024, but did not dispute any of the allegations set out in the order to show cause. The allegations set forth in the Order to Show Cause are undisputed.

DAMAGES

25. "The Defendants acted as part of a "racially motivated conspiracy" and therefore at law are a party to every act previously done by others in pursuance of it. Conspiracy is not a cause of action, but a legal doctrine that imposes liability on all persons who, although, not actually committed a tort themselves, share with the immediate tortfeasor a common plan or design in its perpetration.

26. By participating in a civil conspiracy, the State effectively adopted as its own the tort of other conspirators within the ambit of the conspiracy. In this the State incurs tort liability co-equal with the immediate tortfeasor." Title 18 U.S.C. § 1961-1968, Title 42 U.S.C. §§1981, 1982, 1983, 1985, 1986, 2000 and Cal Civ. Code §§51, and 52 provides for damages occasioned by such injury or deprivation, against any or all the conspirators.

27. For proving damages, Plaintiff is using California law *Cal Civ. Code §52(a)* $4,000.00 for each offence and in no case less than $4,000.00. According to the City's letter rejecting Plaintiff's claim, April 1, 2021, was the date the claim started. The State continues to do wrongs in furtherance of the conspiracy as of February 21, 2025. There are one thousand four hundred twenty-one days between April 1, 2021, and February 21, 2025. Defendant has interfered with

Plaintiff's rights to participate in the affairs of APLL and LLBB, and his right to enjoy the sports arenas located at 6395 Hogan Drive the same as white citizens by threats, intimidation, and coercion in violation Title 42 U.S.C. §§1981, 1982, 1983, 1985, 1986, 2000a, 2000d, and Cal Civ. Code §§51 and 52. There are one-hundred-sixty-seven conspirators that have participated in the racially motivated conspiracy. One-hundred-sixty-seven (167) Conspirators times one thousand four hundred twenty-one (1421) days is two hundred-thirty-seven-thousand-eight hundred (237,800) offences per public accommodation and per business establishment. By law the State is liable to Plaintiff for all acts previously or subsequently done in furtherance of the racially motivated conspiracy set out in *McGee v. Airport Little League et. al.*. Defendants are liable to Plaintiff as follows.

FIRST CAUSE OF ACTION

First Cause of Action Procedural Due Process/ Substantial Due Process

The Fourteenth Amendment Count One

Procedural Due Process

28. Plaintiff repeats and re-alleges and incorporates by this reference the allegations set forth in paragraphs 1 through 27 of the complaint as paragraphs 1 through 27 of the First Cause of Action as fully set forth.

29. The State violated Plaintiff's rights to Procedural Due Process secured to him by the Fourteenth Amendment.

30. The facts in support of Plaintiff's denial of procedural due process are set out below:

i. The State has made and continues to make an intentional decision to participate in the vast racially motivated conspiracy which is depriving Plaintiff of his civil rights.

ii. Plaintiff has a constitutional protected property interest in Plaintiff's business' goodwill and business reputation and a constitutionally protected liberty interest in pursuing his occupation and his hobbies.

iii. The State has and continues to deprive Plaintiff of his property interest, liberty interest, and his civil rights by engaging in the conspiracy that is damaging Plaintiff's property interest and the goodwill of his business, his reputation, and is depriving Plaintiff of his civil rights.

iv. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by excluding Plaintiff from participating in Little League Baseball Inc. on property owned by municipalities and political subdivisions of the State of California on the grounds of his race and color and solely on account that he is African American.

v. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by sending false arrest reports to the district attorney alleging Plaintiff was drunk in public; that he threatened law enforcement officers; that he refused to leave school campus at Sheldon High School; that he resisted a peace officer; and that he was being belligerent. The State provided copies of the false arrest reports to McClatchey Publishing and Julie Howard published the reports knowing they were false.

vi. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by seizing and holding Plaintiff's business locations, business equipment, furniture, and other personal property that was located at 9412 Elk Grove Florin Road Elk Grove, California 95624 (Elk Grove Florin Road), 7917 Bruceville Road Sacramento, California 95823 (Bruceville Road), 8553 Iris Crest Way Ek Grove, California 95624 (Iris Crest Way), and 5617 Bonniemae Way Sacramento, California 95824 (Bonniemae Way).

vii. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by using fraud, perjury, and deceit in the Superior Court of California unlawful detainer actions to unlawfully seize and hold hundreds of thousands of dollars of Plaintiff's property that was located at Elk Grove Florin Road, Bruceville Road, Iris Crest Way, and Bonniemae Way.

viii. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by interfering with Plaintiff's businesses and the liquor licenses for his business located at 7917 Bruceville Road.

ix. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by using law enforcement officers from its municipalities and political subdivisions to deny Plaintiff adequate law enforcement protection, equal to that provided white citizens and aided and incited others to commit crimes against Plaintiff and others including kidnap; torture; assault with a deadly weapon; assault; battery; intimidation by threats of violence; extortion; false imprisonment; malicious prosecution;

robbery; burglary; breaking and entering into Plaintiff's property; perjury; forgery; unlawful sexual conduct; and unlawful search and seizure of Plaintiff's property causing Plaintiff to lose income.

x. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by using threats of violence, threats of arrest, and intimidation to discriminate against Plaintiff on the grounds of his race and color at the Doubletree Hotel.

xi. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by refusing to protect Plaintiff from hostile neighbors, its municipalities, political subdivisions, elected officials, agencies, and officers at the Bridgeport Condominium Complex because of his race and color and solely on account that he is African American.

xii. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by working in concert with Al Stoler, Matthew Anderson, and others to use violence, threats of violence, threats of arret and arrest to trespass on Plaintiff's property to collect debts from Plaintiff and others.

xiii. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by maintaining false criminal records in the Superior Court of California to punish Plaintiff for preventing two white men from trespassing on his property and assaulting his family.

xiv. The State is depriving Plaintiff of his property interest, liberty interest, and civil rights by prosecuting Plaintiff in the Superior Court of California for

exercising and asserting his civil rights on May 30, 1998, at Sheldon High School.

xv. The State deprived Plaintiff of his property interest, liberty interest, and civil rights when filed violating Plaintiff's civil rights in the criminal prosecution in the Superior Court of California case No. in 2004.

xvi. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by punishing Plaintiff to retaliate against him for filing complaints in the United States District Court.

xvii. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by depriving Plaintiff of his rights secured by Title 42 U.S.C. §§ 1981, 1982, and 2000.

34. The State deprived Plaintiff of his property interest, liberty interest, and civil rights by the conduct set out above without any hearing or proceedings of any kind.

35. The State deprived Plaintiff of Procedural Due Process in violation of the Fourteenth Amendment.

Substantive Due Process

36. The State continues to violate Plaintiff's rights secured by the Substantive Due Process Clause of the Fourteenth Amendment.

37. The facts in support of the denial of Plaintiff's right to substantive due process are set out below:

i. The State's decision to engaged and continues to engage in the conspiracy to deprive Plaintiff of his property interest, his liberty interest, and his civil rights was arbitrary and served no legitimate governmental purpose.

ii. The decision to retaliated and continues to retaliate against Plaintiff to punishing him for attempting to enforce his civil rights in the United States District Court was arbitrary and served no legitimate governmental purpose.

iii. The State's decision to engage and continues to engage in the conspiracy to: deprive Plaintiff of his property interest, liberty interest, and civil rights; and to punish Plaintiff for attempting to enforce his civil rights puts Plaintiff at substantial risk of continual constitutional injuries

iv. The State's decisions to engage and continue to engage in the Conspiracy that is depriving Plaintiff of his property interest, his liberty interest, and his civil rights and punish Plaintiff for attempting to enforce his civil rights were arbitrary and served no legitimate governmental purpose.

v. The State's decision to refuse and neglect to arrest individuals that Plaintiff previously allegedly committed crimes against him put Plaintiff at substantial risk of constitutional injuries.

vi. The State's decision to continue neglect and to prevent the County, the City, and Citrus Heights and Little League Baseball from depriving Plaintiff of his property interest, liberty interest, and his civil rights and the State's decision to punish Plaintiff for attempting to enforce his civil rights put Plaintiff at substantial risk of continual constitutional injuries.

vii. The State did not take reasonable available measures to abate the risk of constitutional injuries to Plaintiff, even though a reasonable Governor and Attorney General in the circumstances would have appreciated the high degree of risk involved constitutional injuries to Plaintiff, making the consequences of the State's conduct obvious.

viii. By not taking such measures to prevent LLBB from using property owned by municipalities, and political subdivisions of the State of California to deprive Plaintiff of his liberty interests, property interest, and his civil rights and the State's decision to punish Plaintiff for attempting to enforce his civil rights, deprived Plaintiff of his rights to substantive due process.

ix. The State caused Plaintiff constitutional injuries.

x. The State's decision to continue to participate in the vast racially motivated conspiracy deprive Plaintiff of his property interest, liberty interest, and civil rights and the State's decision to punish Plaintiff for attempting to enforce his civil rights in the United

States District Court were not related to: a legitimate government action; rationally related to a legitimate governmental action; rationally related to a legitimate governmental objective and; had no substantial relation to the public health, safety, morals or general welfare and was excessive in relation to that purpose.

xi. The State had actual knowledge there was a substantial risk of serious harm to Plaintiff that the State could have eliminated through a reasonable available measure that the State did not take thus causing the Constitutional injuries and damages to Plaintiff but refuses to take such measures.

xii. The State had actual knowledge that the vast racially motivated conspiracy was depriving Plaintiff of his property interest, liberty interest, and civil rights and was punishing Plaintiff for attempting to enforce his civil rights in the United States District Court and aided and incited others to deprive Plaintiff of those interests and punished Plaintiff in violation of the due process clause of the Fourteenth Amendment.

xiii. The State also has actual knowledge that there still is substantial risk of serious harm to Plaintiff that the State could eliminate through a reasonable available measure that the State has not taken thus causing continual constitutional injuries and damages to Plaintiff but are refusing to take such measures.

xiv. The action of the State as set out in this Complaint amounts to deliberate indifference to Plaintiff's constitutional rights.

xv. The State is still depriving Plaintiff of his property interest, liberty interest, and civil rights and is punishing Plaintiff without due process of law.

xvi. In their discriminatory actions set out above, the State has acted with malice or reckless indifference to Plaintiff's rights, thereby entitling Plaintiff to an award of punitive damages.

Damages Caused by Defendants Depriving Plaintiff Due Process of Law.

Airport Little League Baseball, Inc.

128,757 offences x $4,000.00.....to be determined

Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

Sports Arena Located at 6395 Hogan Drive

125,417 offences x $4,000.00..... to be determined

The Business Airport Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

The Business of Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

TOTAL DAMAGES for the FIRST CAUSE OF ACTION.....

to be determined

TOTAL PUNITIVE DAMAGES FOR COUNT

ONE.....to be determined

SECOND CAUSE OF ACTION VIOLATION OF 42 U.S.C §1981

Count Two

38. Plaintiff repeats and re-alleges and incorporates by this reference the allegations set forth in paragraphs 1 through 37 of the complaint as paragraphs 1 through 37 of the Second Cause of Action as fully set forth.

39. LLBB has deprived Plaintiff of his rights secured by Title 42 U.S.C. §1981.

40. The facts in support of the Second Cause of Action are as follows:

i. (1) Plaintiff applied for the position of APLL major division all-star manager; (2) Plaintiff was qualified for the available position of APLL major division all-star manager; (3) Plaintiff was rejected; (4) the position was filled with another person who is not African American.

ii. Plaintiff is African American and a member of a racial minority.

iii. The State and the Little League Baseball refused to extend to Plaintiff the position of the manager of APLL's major division all-star team solely because he is African American.

iv. The State and LLBB had the intent to discriminate against Plaintiff on the bases of his race and color;

v. The discrimination alleged above concerned the making of a contract between Plaintiff and APLL for the position as all-star manager.

vi. Plaintiff was deprived of the same right to enter into the contract to be the APLL major division all-star manager as is enjoyed by white citizens.

vii. The promotion to all-star manager of APLL major division would have raised to the level of an opportunity for a new and distinct level for a new and distinct relationship between Plaintiff, LLBB, and APLL.

viii. By the conduct described in this case, the State, APLL, and LLBB intentionally deprived Plaintiff and continues to deprive Plaintiff of the same right as enjoyed by white citizens to the creation, performance, enjoyment, and all benefits and privileges of the following contractual relationship with APLL and LLBB: (1) contracts to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations with APLL and LLBB for the years 2022 until present; (2) equal protection under the law secured by the Fourteenth Amendment; (3) a contract to use King field on the same and equal basis as is enjoyed by white citizens in the years 2022 until present; (4) a contract to manage APLL major division all-star team in the year 2021; (5) a contract to manage a team in APLL and LLBB 2021 fall ball program; (6) a contract to manage a team in APLL and LLBB 2022 baseball season; (7) a contract to manage a team in APLL and LLBB 2023 through

the present seasons; and (8) a contract to compete for the opportunity to manage a team in LLBB's world series.

ix. The State and LLBB had intent to discriminate against Plaintiff in violation of the rights afforded to Plaintiff by the Civil Rights Act of 1866, 42 U.S.C. §1981.

x. As a result of the State, LLBB, and APLL's conspiracy to discriminate against Plaintiff in violation of §1981. Plaintiff was denied the enjoyment of practicing on Kings Field; being the manager of the APLL major division all-star team during the 2021 Little League season; the opportunity for Plaintiff's son and Plaintiff to participate in APLL's, and LLBB's 2021 Fall Ball Program and LLBB's and APLL's 2022 through the present seasons at 6395 Hogan Drive; and the opportunity to compete for the privilege of managing a team in the Little League World Series, opportunities providing substantial, enjoyment and benefits, and thereby entitles Plaintiff equitable monetary relief and Plaintiff continues to suffer anguish, humiliation, distress, inconvenienced, and loss of enjoyment of life because of the State thereby entitling Plaintiff to actual and statutory damages.

xi. In their discriminatory actions, the State has acted with malice or reckless indifference to Plaintiff's rights, thereby entitling Plaintiff to an award of punitive damages.

Damages Caused by Defendants Depriving Plaintiff the Same Right to Make and Enforce Contracts as are Enjoyed by White Citizens.

Airport Little League Baseball, Inc. 125,417 offences x $4,000.00....to be determined

Little League Baseball, Inc. 125,417 offences x $4,000.00..... to be determined

Sports Arena Located at 6395 Hogan Drive1

25,417 offences x $4,000.00.....to be determined

The Business Airport Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

The Business of Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

TOTAL DAMAGES for the SECOND CAUSE OF ACTIO..... to be determined

TOTAL PUNITIVE DAMAGES FOR COUNT TWO..... to be determined

THIRD CAUSE OF ACTION VIOLATION OF EQUAL PROTECTION UNDER LAW; TITLE 42 U.S.C. §1981

Count Three

41. Plaintiff repeats and re-alleges and incorporates by this reference the allegations set forth in paragraphs 1 through 40 of the complaint as paragraphs 1 through 40 of the Third Cause of Action as fully set forth.

42. The facts pertaining to the Third Cause of Action are set out as follows:

i. Plaintiff is African American and a member of a racial minority.

ii. The State is intentionally discriminating against Plaintiff based on his race and color.

iii. The State's intentional racial discrimination is preventing Plaintiff from enjoying the full and equal benefit of all laws and proceedings for the security of his person and property, as is enjoyed by white citizens.

iv. The State had intent to discriminate against Plaintiff in violation of his rights afforded him to equal protection of the law in violation of Title 42 U.S.C. §1981.

v.On January 2, 2024, Plaintiff filed a complaint in this Court *McGee v. State of California* civ:24-00012. District Court Judge Troy L. Nunley wrote that, "Plaintiff broadly alleges Defendants engaged in a "racially motivated conspiracy" in violation of various state and federal laws. (ECF No. 1 at 8.) More specifically, Plaintiff alleges Defendants "conspired to deprive him and other African Americans of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of Little League Baseball, Inc., Airport Little League Baseball, Inc., and a sports arena owned by the City." (Id.)

Plaintiff also alleges the State prevented him from using City property and intimidated and retaliated against him in October 2021 because he had filed prior actions against the State in 2010 and 2014. (Id.) Plaintiff then alleges the State sent him letters in

October, November, and December 2023 demanding he pay the County $7,517 to punish him for filing the prior actions. (Id. at 8–9.)

Plaintiff "is frightened" and "it is hard for him to concentrate on his work because he does not know what the State will do to collect the $7,517." (Id. at 9.) Plaintiff seeks monetary damages and injunctive relief. (Id. at 138–149.)"

vi. The State and LLBB did not object to the motion for temporary restraining order and did not dispute the allegations made in the complaint and motion for TRO and accompanying filing.

vii. From January 4, 2024, until present, the State has continued to demand Plaintiff pay the $7,517 to punish him for exercising his civil rights and the State has refused to take any action on plaintiff's complaints of a racially motivated conspiracy and violation of various state and federal laws.

viii. The State has done nothing to prevent the Conspiracy to deprive Plaintiff of his civil rights from continuing, although it has actual knowledge its demands for $7,517 were causing Plaintiff emotional distress.

ix. On February 20, 2024, the Governor and Attorney General used the California Department of Justice to cover up the conspiracy by filing a motion to dismiss in McGee XV.

x. On January 17, 2025, at around 11:30 am, a person from the County of Sacramento who identified herself as Ms. DeWitt called Plaintiff on his phone and demanded Plaintiff pay $7,517 she claimed he owed the County of Sacramento for legal fees. The phone call caused Plaintiff to be frightened, feel anguish, and helpless.

xi. After refusing to prevent the conspiracy from continuing the State continued to use its law enforcement programs and activities to protect the rights of white citizens, including their co-conspirators.

xii. After refusing to prevent the conspiracy, the State refused and neglected to arrest individuals that Plaintiff previously alleged committed crimes against him.

xiii. Plaintiff's claims qualified for immediate action on the part of the Governor and Attorney General and State law enforcement programs and activities to prevent the conspiracy that was depriving Plaintiff of his civil rights from continuing.

xiv. After refusing to prevent the conspiracy the State continued to use its law enforcement programs and activities to hold Plaintiff's real and personal property.

xv. By the conduct described above, the State intentionally deprived Plaintiff of the full benefit of all laws and proceedings for the security of his person and property as is enjoyed by white citizens.

xvi. The State did not take reasonable available measures to abate the risk to Plaintiff's constitutional rights, even though a reasonable Governor or Attorney General in the circumstances would have appreciated the high degree of risk involved to Plaintiff's rights making the consequences of the State's conduct obvious.

xvii. The State, Governor, and Attorney General's decision not to prevent the conspiracy from continuing to deprive Plaintiff of his civil rights was not related to a legitimate governmental action, not rationally related to a legitimate governmental action; not rationally related to a legitimate governmental objective; and was not substantially related to the public health, safety, morals, or general welfare and was excessive to that purpose.

xviii. In their discriminatory actions alleged above, the State has acted with malice or reckless indifference to Plaintiff's rights, thereby entitling Plaintiff to an award of punitive damages.

43. The States has deprived Plaintiff of his rights secured by Title 42 U.S.C. § 1981.

Damages Caused by Defendants Depriving Plaintiff to the full and Equal Benefit to All Laws and Proceedings for the Security of Person and Property as are Enjoyed by White Citizens.

Airport Little League Baseball, Inc. 125,417 offences x $4,000.00.....to be determined

Little League Baseball, Inc. 125,417 offences x $4,000.00..... to be determined

Sports Arena Located at 6395 Hogan Drive

125,417 offences x $4,000.00..... .....to be determined

The Business Airport Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

The Business of Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

TOTAL DAMAGES for the THIRD CAUSE OF ACTION..... to be determined

TOTAL PUNITIVE DAMAGES FOR COUNT THREE..... to be determined

FOURTH CAUSE OF ACTION VIOLATION OF 42 U.S.C. §1982

Count Four

44. Plaintiff repeats and re-alleges and incorporates by this reference the allegations set forth in paragraphs 1 through 43 of the complaint as paragraphs 1 through 43 of the Fourth Cause of Action as fully set forth.

45. The facts pertaining to the Fourth Cause of Action are set out as follows:

i. Plaintiff is African American; (2) had a property interest in the goodwill of his business and his reputation; (3) the State damaged and diminished Plaintiff's property; (4) the State intentionally damaged and diminished Plaintiff's property interest in the goodwill of his business and his reputation because of his race and color; (5) Plaintiff's property interest was damaged causing Plaintiff to lose income and value in his business; and (6) while the State was damaging Plaintiff's property and causing him to lose income white

citizens similarly situated to Plaintiff were allowed to keep their property free from any damages caused by the State.

ii. As a result of the State's discrimination in violation of §1982, Plaintiff has been denied and will continue to be denied business opportunities providing substantial compensation and benefit, thereby entitles Plaintiff to equitable monetary relief and Plaintiff is suffering anguish, humiliation, distress, inconvenience, and loss of enjoyment of life because of the State thereby entitling Plaintiff to actual, compensatory, and statutory damages.

iii. In their discriminatory actions alleged above, the State has acted with malice or reckless indifference to Plaintiff's rights, thereby entitling Plaintiff to an award of punitive damages.

46. The State deprived Plaintiff of his rights secured by Title 42 U.S.C. § 1982.

Damages Caused by Defendants Depriving Plaintiff His Right to a Reputation as are Enjoyed by White Citizens.

Airport Little League Baseball, Inc.

125,417 offences x $4,000.00.....to be determined

Little League Baseball, Inc. 125,417 offences x $4,000.00.....to be determined

Sports Arena Located at 6395 Hogan Drive

125,417 offences x $4,000.00..... to be determined

The Business Airport Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

The Business of Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

TOTAL DAMAGES for the FOURTH CAUSE OF ACTION..... to be determined

TOTAL PUNITIVE DAMAGES FOR COUNT FOUR..... to be determined

FIFTH CAUSE OF ACTION VIOLATION OF 42 U.S.C. §1983

Count Five

47. Plaintiff repeats and re-alleges and incorporates by this reference the allegations set forth in paragraphs 1 through 46 of the complaint as paragraphs 1 through 46 of the Fifth Cause of Action as fully set forth.

48. The facts pertaining to the Fifth Cause of Action are set out as follows:

i. The State has deprived Plaintiff of his civil rights; under the color of state law in violation of Title 42 U.S.C. §1983.

ii. The State and the conspirators were acting under the color of state law, when they conspired to deprive Plaintiff of his civil rights.

iii. Plaintiff possessed rights secured to him by the Fourteenth Amendment, Title 42 U.S.C.§§ 1981,1982, 2000 and Cal. Civil Code§ 51. (civil rights)

iv. The State has conspired to deprive Plaintiff of his rights to procedural and substantive due process of the law secured by the Fourteenth Amendment.

v. The State has conspired to deprive Plaintiff of his rights to make and enforced contracts the same as white citizens in violation of Title 42 U.S.C. §1981.

vi. The State has conspired to deprive Plaintiff of the full and equal benefit of all laws and proceedings for the security of his person and property as is enjoyed by white citizens in violation of Title 42 U.S.C. §1981.

vii. The State has conspired to deprive Plaintiff of his rights to own property (a reputation) the same as white citizens in violation of Title 42 U.S.C. §1982.

viii. The State has conspired to deprive Plaintiff of his rights to the full and equal enjoyment of the goods, services, facilities, privileges, accommodations of places of public accommodations because of Plaintiff's race and color and solely on account that Plaintiff is African American in violation of Title 42 U.S.C. §2000a.

ix. The State has conspired to use law enforcement programs and activities receiving federal financial assistance from the United States to discriminate against Plaintiff on the grounds of his race and color in violation of Title 42 U.S.C. §2000d.

x. The State has conspired to discriminate against Plaintiff at business establishments because of his race and color and solely on the

grounds that Plaintiff is African American in violation of Cal. Civ. Code §51.

xi. The State of California has retaliated against Plaintiff to punish him for exercising his civil rights in the United States District Court.

xii. As a direct and proximate cause of the State's actions, Plaintiff was deprived of his civil rights by the State while acting under the color of state law and Plaintiff has incurred damages as the result of the State's actions, in violation of Title 42 U.S.C. §1983.

xiii. The Governor and Attorney General are officers of the State of California, and officials with policy making authority for the State. The State deprived Plaintiff of his civil rights.

xiv. The State is acting pursuant to the State's longstanding 28-plus-year policy and customs of "Discriminating Against Plaintiff and other African Americans on the Grounds of their Race and Color in Law Enforcement Programs and Activities."

xv. The State's policy of "Discriminating Against African Americans on the Grounds of their Race and Color in Law Enforcement Programs and Activities." amounts to deliberate indifference to Plaintiff's and other African American's civil rights because discriminating against African Americans in law enforcement programs and activities deprives African Americans of their rights to equal protection under the law in violation of the Fourteenth Amendment.

xvi. The State is depriving Plaintiff of his right to keep and bear arms and continuing to hold Plaintiff's handgun in violation of the Second Amendment to the United States Constitution.

xvii. The deficiency involved in the State's Policy of Discriminating Against African Americans on the Grounds of their Race and Color in Law Enforcement Programs and Activities was obvious that a Constitutional injury was likely to occur, and in fact constitutional injuries did occur.

xviii. The State's policy of "Discriminating Against African Americans on the Grounds of their Race and Color in Law Enforcement Programs and Activities" and their customs are the moving force behind the State's violations of Plaintiff's civil rights.

xix. The State has failed to adopt clear policies and failed to properly train the Governor, Attorney General, it's officers, agencies, municipalities, political subdivisions, employees, and people as to their proper role in ensuring that: (1) all citizens in the State of California are treated equally by their law enforcement programs and activities; (2) that property owned by its municipalities and political subdivisions would not be used to deprive Plaintiff and other persons of their civil rights; (3) the State would not discriminate against African Americans on the grounds of race and color; (4) and the State would not deprive any person of procedural

and substantive due process of law in violation of the Fourteenth Amendment, and their civil rights.

xx. The State's policy or customs, and its failure to adopt clear policies and failure to properly train its Governor, Attorney General, officers, agencies, municipalities, political subdivisions, employees, and people was a direct and proximate cause of the constitutional deprivations suffered by Plaintiff and the damages he incurred.

xxi. The State's policy and customs represents a longstanding practice and custom of discriminating against Plaintiff and other African Americans in the law enforcement programs and activities which constitutes the standard operating procedure of the State of California.

xxii. The need for a different course of action as set out in this action was so obvious that the State's refusal to take action to prevent the Conspiracy from depriving Plaintiff of his civil rights amounted to deliberate indifference to Plaintiff's constitutional rights.

xxiii. The State acted with malice, reckless, and total and deliberate disregard for Plaintiff's rights secured by the Fourteenth Amendment, Title 42 U.S.C. §§1981, 1982, 2000a, 2000d, and Cal. Civ. Code §51.

49. The State is liable to Plaintiff for damages pursuant to Title 42 U.S. C. § 1983.

Damages Caused by Deprivation Under Color of Law

Procedural Due Process 125,417 offences x $4,000.00..... to be determined

Substantial Due Process 125,417 offences x $4,000.00..... to be determined

Airport Little League Baseball, Inc. 125,417 offences x $4,000.0..... to be determined

Little League Baseball, Inc. 125,417 offences x $4,000.00..... to be determined

Sports Arena Belonging to the City 125,417 offences x $4,000.00.... to be determined

The Business of Airport Little League Baseball, Inc.

125,417 offences x 4,000.00..... to be determined

The Business of Little League Baseball, Inc.

125,417 offences x 4,000.00..... to be determined

TOTAL DAMAGES for the Fifth Cause of Action..... to be determined

TOTAL PUNITIVE DAMAGES FOR COUNT FIVE..... to be determined

SIXTH CAUSE OF ACTION VIOLATION OF 42 U.S.C. §1985.

Count Six

50. Plaintiff repeats and re-alleges and incorporates by this reference the allegations set forth in paragraphs 1 through 49 of the complaint as paragraphs 1 through 49 of the Sixth Cause of Action as fully set forth.

51. The facts pertaining to the Sixth Cause of Action are set out as follows:

i. Plaintiff has stated a Title 42 U.S.C. §1983 claims against the State in this action.

ii. The State participated in the racially motivated conspiracy to hinder, obstruct, and prevent Plaintiff from owning and operating

McGee and Associates, Flintlock's Bar and Grill, and Valley Hi Sports Bar and Grill on the grounds of his race and color.

iii. The State participated in the racially motivated conspiracy to use fraud, perjury, and deceit in the Superior Court of California Unlawful Detainer Division to unlawfully evict Plaintiff from the property located at 9412 Elk Grove Florin Road, 7917 Bruceville Road, 8553 Iris Crest Way, and 5617 Bonniemae Way to punish Plaintiff for filing actions in the District Court.

iv. The State participated in "the vast racially motivated conspiracy" to deprived Plaintiff of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of FLLB, APLL, LLBB and the sports arenas owned by the municipalities and political subdivisions on the State on the grounds of Plaintiff's race and solely on account that Plaintiff is African American.

v. The State: (1) participated in "the vast racially motivated conspiracy" set out in this Complaint to deprive Plaintiff of his civil rights; (2) deprived Plaintiff of equal protection of the laws and equal privileges and immunities under the laws; injured Plaintiff in his person and property; and (3) committed acts in furtherance of the Conspiracy set out above. Plaintiff was injured in his person and property and deprived of his civil rights.

vi. Plaintiff has been deprived of the privileges of a citizen of the United States, by the State of California.

vii. The State acted with malice, reckless, and total and deliberate indifference to Plaintiff's Constitutional rights.

52. The State is liable to Plaintiff under Title 42 U.S.C. §1985.

Damages Caused by Conspiracy to Deprive Plaintiff's Civil Rights

Airport Little League Baseball, Inc. 125,417 offences x 4,000.00..... to be determined

Little League Baseball, Inc. 185 offences x $4,000.00..... to be determined

Sports Arena Belonging to the City 125,417 offences x $4,000.00.....to be determined

The Business of Airport Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

The Business of Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

TOTAL DAMAGES for the Sixth Cause of Action..... to be determined

TOTAL PUNITIVE DAMAGES FOR COUNT SIX..... to be determined

SEVENTH CAUSE OF ACTION VIOLATION OF 42 U.S.C. §1986.

Count Seven

53. Plaintiff repeats and re-alleges and incorporates by this reference the allegations set forth in paragraphs 1 through 52 of the complaint as paragraphs 1 through 52 of the Seventh Cause of Action as fully set forth.

54. The facts pertaining to the Seventh Cause of Action are set out as follows:

i. Plaintiff has stated claims for which he may recover damages under Title 42 U.S.C. §1985, against the State.

ii. The State had actual knowledge that the wrongs set out in this Complaint were about to be committed and had the power to prevent said wrongs from being committed but refused and neglected to prevent said wrongs from being committed. Therefore, the State is liable to Plaintiff under Title 42 U.S.C. §1986.

iii. Defendant acted with malice, recklessness, and total and deliberate indifference to Plaintiff's Constitutional rights.

55. The States is liable to Plaintiff pursuant to Title 42 U.S.C. § 1986.

Damages Caused By Refusal and Neglect To Prevent Conspiracy

Airport Little League Baseball, Inc. 125,417 offences x $4,000.00.. to be determined

Little League Baseball, Inc. 125,417 offences x $4,000.00..... to be determined

Sports Arena Belonging to the City125,417 offences x $4,000.00..... to be determined

The Business of Airport Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

The Business of Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

TOTAL DAMAGES for the Seventh Cause of Action.....to be determined

EIGHTH CAUSE OF ACTION VIOLATION OF 42 U.S.C. 42 § 2000

Count Eight

56. Plaintiff repeats and re-alleges and incorporates by this reference the allegations set forth in paragraphs 1 through 55 of the complaint as paragraphs 1 through 55 of the Eighth Cause of Action as fully set forth.

57. The facts pertaining to the Eighth Cause of Action are set out as follows:

i. The State conspired to deprive Plaintiff of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of the following Public Accommodations: LLBB; FLLB, APLL, the Doubletree Hotel, and properties owned by the municipalities and political subdivisions of the States on the grounds of Plaintiff's race and color and solely on account that Plaintiff is African American and therefore is liable to Plaintiff under Title 42 U.S.C. §2000a.

ii. LLBB is a federally chartered corporation created by a special act of congress doing business in the County of Sacramento, California that operates a youth baseball and softball league on property owned by municipalities and political subdivisions of the State and other public properties in the State of California.

iii. LLBB and APLL operates Airport Little League on the sports arenas located at 6395 Hogan Drive.

iv. 6395 Hogan Drive has three sports arenas, that regularly exhibit baseball games to the public and a snack bar that sells food and drink for consumption on the premise.

v. 6395 Hogan Drive is a public accommodation as defined by Title 42 U.S.C. 2000a.

vi. LLBB regularly holds tournaments that are televised before a national audience.

vii. The bats, balls, uniforms, chalk, and other equipment used in the operation of LLBB move through interstate commerce.

viii. LLBB players, managers, and coaches in the several states compete for the privilege of playing baseball in the LLBB World Series.

ix. The LLBB World Series is an annual international championship tournament of LLBB held in Williamsport, PA. Teams and players from several states compete to win the LLBB championship. The event is televised on ESPN.

x. LLBB is a public accommodation as defined by Title 42 U.S.C. § 2000a.

xi. FLLB is a public accommodation as defined by Title 42 U.S.C. § 2000a.

xii. APLL plays its games on the sports arenas located on property owned by municipalities and political subdivisions of the State and operates snack bars at the same locations where the leagues sale food and drink for consumption on the premises.

xiii. FLLB and APLL are public accommodations as defined by Title 42 U.S.C. § 2000a.

xiv. The State discriminated against Plaintiff on the grounds of his race and color in FLLB, APLL, LLBB, and the sports arena owned by municipalities and political subdivisions of the State.

xv. The State acted with malice, reckless, and total and deliberate indifference to Plaintiff's constitutional rights.

58. The State is liable to Plaintiff for conspiring to deprive Plaintiff of his rights secured by Title 42 U.S.C. §2000a. Plaintiff is entitled to monetary and injunctive relief against the State violating Title 42. U.S.C. § 2000a.

Damages Caused By Discriminating Against Plaintiff in Places of Public Accommodations

Airport Little League Baseball, Inc. 125,417 offences x $4,000.00.. to be determined

Little League Baseball, Inc. 125,417 offences x $4,000.00..... to be determined

Sports Arena Belonging to the City 125,417 offences x $4,000.00.....to be determined

The Business of Airport Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

The Business of Little League Baseball, Inc.

125,417 offences x $4,000.00.....to be determined

TOTAL DAMAGES for the Eighth Cause of Action.....to be determined

TOTAL PUNITIVE DAMAGES FOR COUNT EIGHT..... to be determined

NINTH CAUSE OF ACTION VIOLATION OF TITLE 42 U.S.C. § 2000d

Count Nine

59. Plaintiff repeats and re-alleges and incorporates by this reference the allegations set forth in paragraphs 1 through 58 of the complaint as paragraphs 1 through 58 of the Ninth Cause of Action as fully set forth.

60. The facts pertaining to the Ninth Cause of Action are set out as follows:

i. Plaintiff is African American and a member of a racial minority.

ii. Plaintiff is a person in the United States and has been excluded from participation in, denied the benefits of, or been subjected to discrimination under the State's law enforcement program and activities receiving federal financial assistance on the grounds of Plaintiff's race and color.

iii. The State intentionally discriminated against Plaintiff on the grounds of Plaintiff's race and solely on account that Plaintiff is African American in law enforcement programs and activities.

iv. The State receives federal financial assistance from the federal government for its law enforcement programs and activities.

v. The State is using law enforcement programs and activities receiving federal financial assistance to intentionally discriminate against Plaintiff on the grounds of Plaintiff's race and color and solely on account that Plaintiff is African American.

61. The State is liable to Plaintiff under Title 42 U.S.C. §2000d.

62. Congress has expressly provided: "A State shall not be immune under the Eleventh Amendment of the Constitution of the United States from

suit in federal court for a violation of civil rights Act of 1964 [42 U.S.C. § 2000d et. seq.]" Therefore; the State is not immune under the Eleventh Amendment of the United States Constitution from this suit in this Court.

Damages Caused by Discriminating Against Plaintiff in Law Enforcement Programs and Activities Receiving Federal Financial Assistance

Airport Little League Baseball, Inc. 125,417 offences x $4,000.00. to be determined

Little League Baseball, Inc.125,417 offences x $4,000.00..... to be determined

Sports Arena Belonging to the City125,417 offences x $4,000.00..... to be determined

The Business of Airport Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

The Business of Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

TOTAL DAMAGES for the Eighth Cause of Action..... to be determined

TOTAL PUNITIVE DAMAGES FOR COUNT EIGHT..... to be determined

TENTH CAUSE OF ACTION VIOLATION OF CAL. CIV. CODE 51.

Count Ten

63. Plaintiff repeats and re-alleges and incorporates by this reference the allegations set forth in paragraphs 1 through 62 of the complaint as paragraphs 1 through 62 of the Tenth Cause of Action as fully set forth.

64. The facts pertaining to the Tenth Cause of Action are set out as follows:

i. John Hildebrand, LLBB, FLLB, APLL, the Doubletree Hotel, MMDD Sacramento Project, Asset Investment Managers, Sacramento Delta

Property Management, John T. White, Bridgeport Homeowner's Association, Associa of Northern California, and Sacramento Elite Security (the business establishments) are business establishments pursuant to Ca. Civ. Code § 51.

ii. Plaintiff has been denied equal treatment by the business establishments.

iii. Plaintiff was discriminated against by the business establishments on the basis of Plaintiff's race and color by the State, and the business establishments.

iv. The State and the business establishment deprived Plaintiff of his right to be free from any violence, or intimidation by threats of violence, committed against Plaintiff's person or property because of Plaintiff's race and color, in the business establishments.

v. Plaintiff believed the State and the business establishments would use violence against Plaintiff because some of the business establishments had previously used violence, threats of violence, threats of arrest, and arrest to exclude Plaintiff from the full and equal accommodations, advantages, facilities, privileges, and services in the business establishments.

vi. Plaintiff also, believed that the racially motivated conspiracy would turn violent because some of the business establishments and state law enforcement officers had terrorized Plaintiff by: attempting to break his thumb; hitting six baseballs at Plaintiff with an aluminum

bat and saying "I will take his fucking head off, and if he gets hit..."; confining him in an unventilated patrol car for over an hour and a half; aiming guns at Plaintiff's head for no legitimate purpose; and maliciously prosecuting Plaintiff.

vii. Plaintiff perceived the State's and the business establishments' willingness to break the law, State law enforcement officials willingness to terrorize Plaintiff by placing him in an unventilated car for one and one half hours, aiming guns at Plaintiff's head for no legitimate purpose could turn to violence and maybe cause Plaintiff's death. Plaintiff also feared that the State would prosecute Plaintiff for asserting Plaintiff's federally constitutional rights.

viii. A reasonable person standing in Plaintiff's shoes would be terrorized, intimidated, threatened, or coerced in to not attempting to enforce his civil rights by the State's and the business establishments' willingness to break the law and threatening to use deadly force on Plaintiff and other African Americans for no legitimate purpose.

ix. The State's authority to use State law enforcement to do their bidding continues to cause Plaintiff to feel terrorized and fear for Plaintiff's safety.

x. Defendant acted with malice, recklessness, and total and deliberate indifference to Plaintiff's constitutional rights.

65. The State is liable to Plaintiff under California Civil Code §§ 51.

Damages Caused By Discriminating Against Plaintiff in the Business Establishments.

Airport Little League Baseball, Inc. 125,417 offences x $4,000.00.. to be determined

Little League Baseball, Inc. 125,417 offences x $4,000.00..... to be determined

Sports Arena Belonging to the City 125,417 offences x $4,000.00.... to be determined

The Business of Airport Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

The Business of Little League Baseball, Inc.

125,417 offences x $4,000.00..... to be determined

TOTAL DAMAGES for the Ninth Cause of Action..... to be determined

TOTAL PUNITIVE DAMAGES FOR COUNT NINE..... to be determined

ELEVENTH CAUSE OF ACTION VIOLATION OF CAL. CIV CODE 52

Count Eleven

66. Plaintiff repeats and re-alleges and incorporates by this reference the allegations set forth in paragraphs 1 through 65 of the complaint as paragraphs 1 through 65 of the Eleventh Cause of Action as fully set forth.

67. The facts pertaining to the Eleventh Cause of Action are set out below.

i. The State of California conspired to deny Plaintiff the right secured by Cal. Civ. Code 51.7 and aided and incited the denial of Plaintiff's rights secured by Cal. Civ. Code § 51.7. Thus, the State is liable to Plaintiff for a civil penalty of $25,000 for each of Plaintiff's rights.

ii. The State of California intentionally interfered with and attempted to interfere with Plaintiff's civil rights by threats, intimidation, and coercion.

iii. As a direct result of the State's conspiracy to interfere with Plaintiff's civil rights by threats and intimidation and coercion, Plaintiff was harmed.

iv. The State's conspiracy to interfere with Plaintiff's civil rights was a substantial factor in causing Plaintiff to be deprived of his civil rights.

v. The State conspired to use law enforcement programs and activities to harass, threaten, intimidate, hinder, obstruct, and prevent Plaintiff from operating McGee and Associates, Flintlock's Bar and Grill and Valley Hi Sports Bar and Grill in violation of his civil rights.

vi. The State is liable to Plaintiff for civil penalty of $25,000 for each and every denial of his rights secured by Cal. Civ. Code 51.7.

68. The State is liable to Plaintiff pursuant to Cal. Civ. Code §§ 51.7 and 52.

TWELFTH CAUSE OF ACTION

Count Twelve

69. Plaintiff repeats and re-alleges and incorporates by this reference the allegations set forth in paragraphs 1 through 68 of the complaint as paragraphs 1 through 68 of the Twelfth Cause of Action as fully set forth.

70. Title 18 U.S.C. §1962(c) makes it unlawful for any person employed by or associated with any enterprise engaged in, or the activities of which affect, interstate or foreign commerce, to conduct or participate directly or indirectly, in

conduct of such enterprise through a pattern of racketeering activities... Title 18 U.S.C. §1962(c).

71. The State and each conspirator at all times mentioned in this Court and have been a "person" within the meaning of Title 18 U.S.C. §1962(c), because the State and each conspirator is capable of holding "a legal or beneficial interest in real or personal property." Title 42 U.S.C. §1962(c).

72. At all times hereto, the State and each of the conspirators' conducted and participated in the affairs of an enterprise of racketeering activities, in violation of Title 18 U.S.C. §1962(c).

73. On December 15, 1993, the State and each conspirator formed an association-in-fact Enterprise, described as the "people of California" (the People) within the meaning of Title 18 U.S.C. §1962(c).

74. Title 18 U.S.C. §1961(1) provides that the term "Racketeering activity" includes conduct of a person committed both before and after the person attains the age of 18 years, and means to commit, to attempt to commit, to conspire to commit, or solicit, coerce or intimidate another to commit, *i.e.* any conduct that constitutes a crime, as defined by Title 18 U.S.C. §1961(1) which includes (A) any acts of wire fraud; mail fraud; tampering with witnesses; and retaliation against witnesses, victims, or informants; attempted murder; kidnap; torture; assault with a deadly weapon; assault; battery; breaking and entering into Plaintiff's property; obstruction of justice in the federal and state courts; perjury; forgery; and unlawful sexual conduct as defined by Title 18 U.S.C. §1961(1).

75. The State's and the conspirators' activities and conduct as described in this Complaint constitute a "pattern" of racketeering activities since December 15, 1993, that have the same or similar intents, results, accomplices, including a nexus of the same enterprise, and are not isolated incidents. Title 18 U.S.C. §1962(c).

76. The facts related to the State's pattern of racketeering activities are set out below:

i. The State committed, solicited, coerced, and intimidated others to commit wire fraud when it sent Plaintiff letters through the United States Mail and called Plaintiff on his phone, demanding Plaintiff pay the County $7,517 to punish Plaintiff for filing actions in the Untied Staes District Court.

ii. The State conspired to commit crimes including: attempted murder; kidnap; torture; assault with a deadly weapon; assault; battery; intimidation by threats of violence; extortion; false imprisonment; malicious prosecution; robbery; burglary; breaking and entering into Plaintiff's property; perjury; forgery; unlawful sexual conduct; and unlawful search and seizure of Plaintiff's property causing Plaintiff to lose income to retaliate against Plaintiff who was a witness against the State in civil rights actions in the United States District Court.

77. These incidents have taken place from December 1993 until present. A pattern of racketeering activities was set out in the District Court's Findings and Recommendations in *McGee v. Wilson et. al.* Civ. S-98-1026-FCD-PAN-PS.

Magistrate Judge Peter A. Nowinski detailed a four- and one-half year pattern of racketeering activities directed against Plaintiff, his family, his business associates, his employees, and his business enterprise to intimidate and retaliate against Plaintiff and his business associates for taking action and participating in actions to secure their civil rights. Judge Nowinski wrote:

"Jefferson A. McGee, his business associates Ruby H. McDowell and Joseph Villaflor, his brother Thomas McGee, and his wife Julia McGee. In 188-page complaint plaintiffs allege defendants participated in a vast conspiracy to deny plaintiffs' civil rights during the period from December 1993 through July 1998.

Plaintiffs seek redress from 201[6] participants in the alleged conspiracy.

Pete Wilson, Governor of California, Daniel Lungren, California Attorney General, DOES 76-100, Lungren's agents, Nancy Gutierrez, Director, California Department of Fair Employment and Housing ("CDFEH") Barbara Osborne, Geraldine Reyes, and Penny Sandborn, employees of CDFEH, Roland Candee, Judge of the Sacramento County Superior Court,

Glen Craig, Sacramento County Sheriff, DOES 17-75, Lou Blanas, Glenn Powell, Christine Hess, Robert Denham, Richard G. Twilling, Deputy J. Sanchez, Deputy S. Budrow, Deputy K. Papineau, Deputy J. Karvonen, Deputy Nelson, Deputy M. Atkins, Deputy N. Gonclaves, Deputy Hutchinson, Deputy Peterson,

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[6] Actually, in the body of the complaint, 228 defendants are identified but only 179 allegedly did anything to plaintiff.

Deputy Ladas, and Deputy Baugh, Craig's agents, Sacramento County, DOES 101-125, Jan Scully, Sacramento County District Attorney, DOES 126-150, Scully's agents, McClatchy Publishing, also known as The Sacramento Bee, Julia Howard, the editor of the Sacramento Bee, DOES 151-155, Florin Little League Baseball Inc., a California corporation, Dennis O'Flaherty, Robert Bartosh, Martin Andrews, Tracy Contreras, Janet Smith, and Mike Crosby, directors and officers of Florin Little League Baseball, Inc., Little League Baseball, Inc., a federally chartered corporation, Al Smith, and Harvey Woods, agents of Little League Baseball, Inc., Lee Thomas, a regular member of Florin Little League Baseball, Inc., Elk Grove Unified School District, a municipal corporation, DOES 156-175, Officer Gary Jones, and Officer Lozzano, Elk Grove Unified School District Police Department.

Plaintiffs allege in this complaint the following facts:

On December 17, 1993, a disgruntled employee summoned the sheriff to McGee & Associates, a real estate business in Sacramento. Without cause, the two deputies who responded seized and searched the business. When McGee accused the deputies of racism because he is black and the employee was white, one of the deputies threatened McGee. He called 911 for protection which was denied. Without a warrant or probable cause McGee was arrested and handcuffed for 30 minutes but released without charges being filed.

On February 22, 1995, deputy sheriff Twilling kicked in the door to McGee's office, assaulted McGee and destroyed McGee's property under the pretext he had a warrant.

On May 10, 1995, Twilling went to McGee's business in his absence, demanded McGee call him, and if McGee did not, threatened to repeat the episode of February 22.

On February 7, 1996, Twilling stopped McGee in his car and harassed McGee by serving McGee with notice to appear in court.

On March 12, 1996, without a warrant, Twilling served McGee with a "civil notice" to Dynasty Upholstery, an enterprise in which McGee had been a partner. Twilling left but later returned and blocked McGee's car in the back of the business. Twilling asked for McGee at the reception desk and when McGee refused Twilling threatened to arrest him. When Twilling left, the office door was locked behind him. Twilling them pounded on the doors and windows demanding entry and imprisoned McGee inside for one and one-half hours.

On March 26, 1996, McGee filed a complaint with the California Department of Fair Employment and Housing setting forth the foregoing events.[7] Deputy Denham called McGee to instruct him about respecting sheriff deputies, but

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[7] The California Department of Fair Employment and Housing receives and investigates complaints of violence and intimidation by threats of violence because of race. Cal. Govt. Code §12930(f); Cal. Civil Code §51.7. The Department is obliged to make prompt investigation of any complaint alleging facts sufficient to constitute a violation. Cal. Govt. Code §12963.

McGee refused to listen. The sheriff closed its investigation and admonished McGee about California Penal Code §§148 (resisting police officer) and 148.6 false report of police misconduct). Thus, the sheriff and other defendants covered up the crimes committed against plaintiff.

On November 18, 1996, plaintiff Villaflor was working at McGee & Associates when Twilling called McGee and told Villaflor "If Jeff knows what is best for him, he will call me back."

Later, on November 18 Twilling entered McGee & Associates and asked for McGee. When Villaflor told Twilling that McGee was not present, Twilling yelled "You tell your boss he can't run from the law."

On November 29, 1996, Twilling again called for McGee. When Villaflor said McGee was unavailable Twilling interrogated Villaflor and warned "If Jeff knows what is best for him, he better call me." Villaflor hung up. Twilling called back and asked for Villaflor, but he would not take the call. Twilling called a third time and told another employee that Twilling would arrest Villaflor if he hung up the phone again.

On December 6, 1996, Twilling entered McGee & Associates and asked for McGee. Twilling left when told McGee was unavailable and the doors were locked behind him. Twilling then pounded on the door and kept McGee and Villaflor confined inside for three hours. From outside, Twilling called McGee & Associates and threatened Villaflor.

On May 9, 1997, McGee went to the sheriff's department "to clear up any and all warrants that might be issued against his person" but was not arrested.

On May 12, 1997, Twilling again entered McGee & Associates and asked for McGee. Told McGee was not in, Twilling left a business card and a note for McGee that stated, "Jeff we have a warrant for your arrest! Please respond to this card or you will be arrested and held in Sacramento County Jail!!! Thank you." No arrest warrant in fact had been issued. Back in his vehicle, Twilling formed his fingers into a gun that he aimed at Thomas McGee's head.

On May 13, 1997, Twilling again sought out McGee at his business. When Villaflor told Twilling that McGee was not there, Twilling said, "I'm loving this! I have a file this thick on everybody in the office: Twilling then went outside and copied the license plate numbers of all employees.

On June 12, 1997, Twilling again asked for McGee and was told he was not available. Twilling left and the doors were locked behind him. Another deputy arrived and the two remained in front of the business, interrogating visitors, and imprisoning McGee an Villaflor. When plaintiff Ruby McDowell returned from lunch, she told the deputies she had no keys. Twilling said, "You are lying to me." Or "You better not be lying to me" and threatened to arrest McDowell, causing her to flee.

On July 6, 1997, McGee was coaching a Little League Baseball game at the Sacramento Army Depot when Twilling and another deputy arrested him without

a warrant to retaliate against McGee for filling written complaints against the sheriff's department.

On October 8, 1997, Twilling pounded on the door of McGee's home on Iris Crest Way, falsely imprisoning and terrorizing Julia McGee, and her children. Twilling left a "threatening note" that stated: "Julia please respond to this card or further action will be taken!!! Thank you."

On October 10, 1997, Twilling returned to the McGee home and again pounded on the door, terrorizing the McGee's children and house guest.

On October 15, 1997, McGee sued Twilling in Sacramento Superior Court. Judge Roland Candee denied McGee's request for a temporary restraining order but scheduled a hearing on October 31, 1997. On October 31, nine sheriff deputies were present in court to intimidate McGee not to testify freely and fully about Twilling's harassment of him. One, Glenn Powell, lunged at McGee without provocation saying, "Do you want some of me?" One deputy ordered McGee to sit in the back of the courtroom. When the hearing began, Powell interjected himself in the proceedings and influenced the judge to deny Plaintiff a hearing and award $200 to the sheriff's department against McGee for legal fees. After the hearing McGee examined the court file and saw opposing papers, including Twilling's affidavit, that McGee had before never seen.

On October 15, 1997, plaintiff filed a "citizens complaint" with the sheriff itemizing the harassment of him.

On October 31, Glenn Powell wrote a letter to McGee demanding payment of the $200 award on December 1. The sheriff and Powell mailed a second letter meant to intimidate, threaten, and punish plaintiff.

On November 5, 1997, Plaintiff received a letter from defendant Christine Hess of the internal affairs section of the sheriff's department. Hess advised that McGee's complaint has been found to lack merit and "indicated" that Hess and Powell conspired to deny plaintiff equal protection of the law.

On December 18, 1997, McGee was at his business when he noticed Twilling surveilling the building. McGee called 911 because he feared Twilling would kill him because McGee had filed suit against Twilling.

Also on December 18, deputy Peterson entered McGee & Associates and told McGee that he was under investigation. Peterson told the employees not to call 911 again and said "You should think about what type of guy your [sic] working for."

Deputy Hutchinson arrived and asked what the problem was. McGee complained that Twilling had harassed him for two years, Hutchinson called his supervisor. McGee returned to his office to wait behind a sign that said, "authorized personnel only." Hutchinson followed without permission and searched the room.

On January 17, 1998, deputies Atkins and Goncalves stalked McGee and Ruby McDowell driving less than a car length behind plaintiff's vehicle with their high beam lights on. The deputies finally stopped McGee's car without cause or a

warrant. Deputy Atkins dragged McGee from his car and put him in the back of a patrol unit. Atkins chocked McGee and Goncalves assaulted Ruby McDowell. No formal charges were ever made against McGee or McDowell.

On January 27, 1998, McGee and McDowell delivered to defendant Barbara Obsborne at the CDFEH seven separate complaints of police harassment. Neither Pete Wilson nor anyone else at CDFEH would accept the complaints, which McGee then delivered to the California Department of Justice but both CDFEH and defendant Lungren refused to protect McGee.

On February 16, 1998, McGee and Villaflor attended a Florin Little League directors meeting. Defendant Dennis O'Flaherty attempted to intimidate Villaflor into resigning from the board of directors by threatening to send the sheriff to Villaflor's and McGee's homes.

On April 22, 1998, McGee and Villaflor entered James Rutter Middle School to attend a Little League baseball board meeting. An unidentified uniformed deputy sheriff-DOE 22- threatened to arrest McGee and Villaflor if they did not cooperate with O'Flaherty and told McGee and Villaflor they were no longer board members. McGee and Villaflor ordered the deputy to leave the meeting. The deputy explained he was present "because Dennis O'Flaherty called me to keep things under control." The deputy left the meeting to wait outside but told O'Flaherty "Let me know if you need me." O'Flaherty then attacked McGee.

Later, April 22, 1998, while leaving McGee & Associates, the deputy from the Little League meeting blocked McGee's and Michael Labrada's access to their

vehicles. The deputy called for assistance. Then another deputy arrived. The two deputies arrested McGee without warrant or cause and took him to the Sacramento County jail. They arrested Villaflor and Labrada and took them to Rio Cosumnes Correctional facility. The deputies threatened to tow McDowell's car if she did not leave the scene. On the way to jail, deputies heckled McGee, one said, "I can arrest and unarrest you anytime I want. So, I am a racist, because I arrested you. Sell me a house now!" McGee was detained for ten hours without bond or a phone call. Villaflor and Labrada were detained for about five hours without a phone call.

Sheriff Glenn Craig then prepared a false arrest report accusing McGee of being drunk in public and gave the report to the Sacramento Bee. McClatchy Publishing and Julie Howard published the false report, which contained many false statements, without regard for the truth and without inquiry about relevant law.[8]

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[8] On April 26, 1998, the Elk Grove "Neighbors" published in the "Police/Fire Report" sections an account of McGee's arrest at 1:20 a.m. Thursday on suspicion of being drunk in public. "Officers said he was standing outside a business holding an open container of alcohol when approached. He resisted orders and called officers derogatory names, refused to give his name and threatened officers, they said." The brief report was preceded by a statement that "Information in these briefs has been provided by official law enforcement and fire department reports."

On April 29, 1998, McGee and Villaflor went to a community center to attend a Little League Board meeting. DOE 22 was present. McGee, Villaflor, and Labrada were arrested about three hours after the meeting.

On April 30, 1998, McGee and Villaflor went to the sports arena at James Rutter to exercise their First Amendment rights. O'Flaherty and three others apparently associated with Little League ordered McGee and Villaflor to leave. Surrounded and fearing for their safety, McGee and Villaflor began to leave the school grounds with O'Flaherty and others following while threatening violence. O'Flaherty said, "Pussy! You guys are pussies!" and called Villaflor a "Bitch!" O'Flaherty had to be restrained by the others from attacking McGee and Villaflor. As they ran, O'Flaherty stated, "That's right you pussies, you better run!"

On May 1, 1998, McGee went to Countryside Park to coach a Little League Baseball game. Deputy Doe 22, O'Flaherty, and three others threatened McGee with violence.

On May 3, 1998, McGee who is black, and Villaflor who is Asian, went to Rutter Park to take pictures "with their baseball teams" but defendants Harvey Woods and Al Smith representatives of Little League, prevented it by threatening to have McGee and Villaflor arrested if they entered the park.

On May 4, 1998, deputy Doe 22, O'Flaherty, and some of the other Little League representatives went to Country Side Park looking for McGee. They told Little League members assembled there that if McGee showed up and entered the dugout he would be arrested.

McGee went to James Rutter Middle School during the evening of May 4, 1998, to practice with "their baseball team" but O'Flaherty and Does 22 prevented it.

On May 30, 1998, McGee and Villaflor attempted to "discharge their duties as elected officers of Florin Little League Baseball" by canceling a scheduled game at Sheldon High School sports arena, part of the Elk Grove Unified School District. McGee and Villaflor were arrested for violating Penal Code § 626.7 by refusing to leave the school grounds to punish them for exercising their federal constitutional rights. The arresting officers were Gary Jones of the Elk Grove Unified School District and deputy sheriffs Papineau, Karvonen, Nelson, and Doe 30. Defendant Doe 30 "grabbed plaintiff's thumb and attempted to break it." Defendants O'Flaherty and Crosby watched and supported defendant Lee Thomas assault McGee with a deadly weapon, that is he hit six baseballs with an aluminum bat at McGee saying, "I will take his fucking head off" and "[i]f he gets hit that is his problem." McGee was dragged to a patrol car. McGee was also charged with resisting arrest in violation of Penal Code §148. McGee and Villaflor were taken to the county jail and detained for five hours. At the jail the sheriff deputy Does 31 and 32 forced McGee and Villaflor to sign the promises to appear under duress because defendants said they would not release them if they did not.

Thereafter, the sheriff, Lou Blanas, Does 31 and 43 and other Doe defendants made a false crime report and sent it to the district attorney. When McGee and Villaflor appeared in court, the district attorney and 25 of her agents threatened them with time in jail. Also, the sheriff and 43 Doe defendants, McClatchy

Publishing, and Julie Howard "conspired to further punish plaintiff[s] by publishing false reports in the Sacramento Bee, Elk Grove/Laguna Neighbors" and Julie Howard published the report on June 4, 1998, with reckless disregard of the truth.[9]

On June 7, 1998, McClatchy Publishing and Julie Howard republished the report under the title "Little League Brouhaha Update."[10] At no other time had McClatchy Publishing and Julie Howard updated crime reports.

The crime report sent to the district attorney stated that "Both Villaflor and McGee were handcuffed without incidence" but the district attorney charged them with resisting arrest to punish McGee and Villaflor for asserting their rights.

On July 15, 1998, McGee and Villflor protested by asking five deputy sheriffs to move their cars from the parking lot of the shopping center where McGee & Associates is located. The officers arrested McGee and Villaflor. Defendants' deputy Ladas and deputy Baugh swore out a complaint against McGee and Villaflor. The deputies took McGee and Villaflor to the Sheriff's Community

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[9] On June 4 *Neighbors* published two articles about this incident. The first under the title "Refusal to Leave School Campus alleged" stated that Villaflor and McGee were arrested at 12:30 p.m. Saturday on suspension of refusal to leave a school campus at Sheldon High School and that McGee was also arrested on suspicion of resisting a peace officer.

[10] On June 7 *Neighbors* published an article under the title "Little League Brouhaha Update." It added to the June 4 article that deputies said that Villaflor and McGee allegedly disrupted a baseball game due to a dispute with the Florin Little League and that both men refused to leave after told to do so by school police and deputies.

Service Center on East Stockton Boulevard. The deputies kept McGee in the back of a police car with the windows and doors closed for over one- and one-half hours. From there, McGee and Villaflor were taken to the county jail and detained for 17 hours during which time they were only fed once.[11]

On June 16 (probably July 16) while detained at the jail, the sheriff deputy Doe 31 and 32 forced McGee and Villaflor to sign a promise to appear in court, which they signed under duress.

Again, the sheriff and the deputies sent a false arrest report to the district attorney alleging that McGee was drunk in public and provided a copy to McClatchy Publishing and Julie Howard and Howard published it knowing it was false."

The above Findings and Recommendations are evidence of the State's pattern of intimidating and retaliation directed at me by the State and other conspirators.

THIRTEENTH CAUSE OF ACTION

COUNT THIRTEEN

Title 18 U.S.C. §1962

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[11] On Sunday, July 19, 1998, *Neighbors* published a brief article in the Police/Fire Report section under the title "Interfering with a Police Officer alleged." According to the article McGee and Villaflor were arrested at 11:09 p.m. Wednesday on suspicion of interfering with a police officer. "according to reports, deputies were parked and about to attempt a pick up when McGee and Villaflor approached and used abusive language in telling officers to leave."

78. Plaintiff re-alleges paragraphs 1 through 77 of Count Twelve as paragraphs 1 through 77of Count Thirteen and hereby incorporate them as though fully set forth herein.

79. Title 18 U.S.C. §1962 makes it "unlawful for any person who has knowingly received any proceeds derived directly or indirectly from a pattern of racketeering activity... to use or invest, whether directly or indirectly any part of such proceeds or the proceeds derived from the investment or use threat of, in the acquisition of any title to, or any right, interest, or equity in real property, or in establishment or operation of any enterprise." Title 18 U.S.C. §1962.

80. As alleged in the proceeding section the State and each conspirator at all relevant times, is and has been a "person" within the meaning of Title 18 U.S.C. §1961(3)

81. At all times relevant hereto, beginning on December 15, 1993 and continuing until present, the State and the conspirators received proceeds, and elected office derived from the pattern of racketeering activities to use or invest a part of such proceeds, and the proceeds derived from their investment or used thereof, in the acquisition of political offices; right, interest and equity in, real property; and in the establishment or operation and campaigns and other enterprise, in violation of Title 18 U.S.C. §1962(b)

82. As alleged in the proceeding section, the State and the conspirators' activity through "the People," constitutes a pattern of racketeering activities which includes: wire fraud; mail fraud; tampering with witness, victim, or informants;

retaliation against witness, victim, or informant; kidnapping; robbery; false imprisonment; intimidating a witness; burglary; perjury; forgery; torture; attempted murder; assault with a deadly weapon; battery; breaking and entering; obstruction of a business establishments; and criminal threats.

83. The State and the conspirators agreed to and did receive proceeds derived from a pattern of racketeering activity including the crimes listed above as defined by Title 18 U.S.C. §1962(c), and used such proceedings in the establishment and operation of "the People's" affairs and used it to investments thereof in the acquisition of political offices, rights and interests and equity in real property, and the establishment of operations, campaigns, and other enterprises.

84. Each conspirator's conduct in furthence of conspiracies had a criminal purpose as alleged above and constitute a violation of Title 18 U.S.C. §1962(c).

85. To achieve their common goals, each party knowingly filed papers in the United States District Court and the Superior Court of California for the purpose of covering up their pattern of racketeering activities, which was committed at the instruction of, and through the Governor's and Attorney Generals of the State of California, and State and municipal agencies.

86. To achieve their common goal, the State and conspirators conspired to commit the following crimes: wire fraud; mail fraud; tampering with a witness; retaliation against a witness; attempted murder; assault with a deadly weapon; assault; battery; breaking and entering into Plaintiff's property; obstruction of justice in the federal and state court, unlawful sexual conduct; unlawful search and seizure

of Plaintiff's property causing him to lose investment opportunities, his family relationships and relationships with others in his community, and business and employment opportunities, income, and housing opportunities in violation of Plaintiff's civil rights.

87. As a direct and proximate consequence of the conduct of the conspirators, Plaintiff has been injured in his business and property, causing Plaintiff to suffer monetary damages in the amount of not less than ten billion dollars, said damages to be proven at the time of trial.

88. Because of Defendant's violation of Title 18 U.S.C. §1962(c), the State is liable to Plaintiff for three times the damages Plaintiff has sustained, plus the cost of a suit, including reasonable attorney fees. Title 18 U.S.C. §1964.

PUNITIVE DAMAGES

89. An appropriate award of punitive damages should be granted to prevent the conduct set forth in this Complaint from ever happening to another person in the United States and to prevent elected officials in the State of California, City managers, state officials, municipal officials, and elected officials from continuing to participate in a pattern of racketeering activities, and continuing to adopt, implement, promulgate, and execute a policy like the policy set out above.

PRAYER

90. WHEREFORE, Plaintiff prays as follows:

91. Plaintiff will and here does respectfully request injunctive relief be granted enjoining Defendants from engaging in committing, or performing directly or

indirectly, all the following acts: (1) intimidating and retaliating against him; (2) searching, detaining, or harassing him; (3) withholding and interfering with his real and personal property; (4) refusing to enter judgments in his favor; (5) maintaining false criminal records on him; (6) interfering with Plaintiff's liquor license for his business; (7) withholding Plaintiff's handgun; (8) using government entities and public monies to break the laws of the United States; (9) implementing a general policy and conspiracy to discriminate against African Americans; and (10) that Little League Baseball, Inc. be enjoined from holding any games, tournaments, practices, or conditioning sessions in the State of California it demonstrate to the State that it will no longer deprive Plaintiff and other African Americans.

92. Plaintiff further request damages in the amount set forth below.

THREE TIMES THE TOTAL DAMAGES OF ALL CAUSES OF ACTION.....to be determined

TOTAL DAMAGES FOR ALL CAUSES OF ACTION..... to be determined

TOTAL PUNITIVE DAMAGES FOR ALL COUNTS..... to be determined

I declare under the penalty of perjury that the foregoing is true and correct.

Dated: February 28, 2025

/s/Jefferson A. McGee,

Attorney Pro Se

FILED: February 28, 2025

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION

JEFFERSON A. McGEE,

Plaintiff,

V

THE STATE OF CALIFORNIA ET. AL.

_____/

MOTION FOR TEMPORARY RESTRAINING ORDER PURSUANT TO LOCAL RULE 231 AND FEDERAL RULE 65.

TO ALL PARTIES AND THEIR ATTORNEY OF RECORD

PLEASE TAKE NOTICE, that on February 28, 2025, at 10:00 a.m., or as soon thereafter as the matter can be heard, in courtroom 27 8th floor of the above-entitled Court, located at 501 I Street Sacramento, California 95814 pursuant to Local Rule 231 and Federal Rule of Civil Procedure 65, Plaintiff will and here does respectfully move for a Temporary Restraining Order enjoining Defendant the State of California and all persons working in concert with Defendant until the end of trial in this action from engaging in committing, or performing directly or indirectly, any and all of the following acts set out below:

Plaintiff is requesting this Court to IMMEDIATELY ORDER DEFENDANT: the State of California and all persons working in concert with them to IMMEDIATELY STOP

(1) intimidating and retaliation against Plaintiff for taking action and participating in the actions filed in the District Court to secure Plaintiff's civil rights;

(2) searching, detaining, or harassing Plaintiff;

(3) withholding and interfering with Plaintiff's real and personal property;

(4) refusing to enter judgements in Plaintiff's favor in various unlawful detainer and other actions;

(5) maintaining false criminal records on Plaintiff;

(6) interfering with Plaintiff's liquor license for his business;

(7) withholding Plaintiff's handgun; implementing a general policy and conspiracy to discriminate against Plaintiff and other African Americans;

(8) using government entities and public monies to break the laws of the United States;

(9) implementing a general policy and conspiracy to discriminate against African Americans; and

(10) the State of California enjoined from allowing Little League Baseball, Inc. to hold any games, tournaments, practices, or conditioning sessions in the State of California, until the State can assure Plaintiff and other African Americans that LLBB will not violate the Constitution and laws of the United States.

The Motion is based on this Notice and Motion for Temporary Restraining Order, the accompanying Memorandum of Points and Authorities in support thereof and Declaration of Jefferson McGee in support irreparable harm filed concurrently with this Notice and Motion for Temporary Restraining Order.

Dated: February 28, 2025

/s/Jefferson A. McGee

Pro Se Attorney

Filed: February 28, 2025

IN THE UNITED SATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION

JEFFERSON A. McGEE,

Plaintiff,

V

THE STATE OF CALIFORNIA, ET. AL.

_____/

MEMORANDUM AND POINTS OF AUTHORITY IN SUPPORT OF PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER.

INTRODUCTION

Plaintiff respectfully moves for a Temporary Restraining Order (TRO) enjoining Defendant the State of California, her municipalities, attorney, and all persons working in concert with Defendant until the end of the trial in this action from engaging in, committing, or performing directly or indirectly, any and all of the following acts set out below:

Plaintiff is requesting this Court to IMMEDIATELY ORDER DEFENDANT the State of California, and all people working in concert with them to IMMEDIATELY STOP:

(1) intimidating and retaliating against him; (2) searching, detaining, or harassing him; (3) withholding and interfering with his real and personal property;

(4) refusing to enter judgments in his favor; (5) maintaining false criminal records on him; (6) interfering with Plaintiff's liquor license for his business; (7) withholding Plaintiff's handgun; (8) using government entities and public monies to break the laws of the United States; (9) implementing a general policy and conspiracy to discriminate against African Americans; and (10) that the State of California enjoined from allowing Little League Baseball, Inc. to hold any games, tournaments, practices, or conditioning sessions in the State of California, until the State can assure Plaintiff and other African Americans that LLBB will not violate the Constitution and laws of the United States.

The Motion is made on the grounds that: (1) Plaintiff is likely to succeed on the merits of his claims; (2) Plaintiff will suffer irreparable harm absent the preliminary injunction; (3) The balance of equity tips in Plaintiff's favor; and (4) Preliminary injunction is in the public's interest.

BACKGROUND

On January 2, 2024, Plaintiff filed an action in this Court entitled *McGee v. State of California et. al.*, No. 2:24-c-00012 alleging Defendants were violating his civil rights. Plaintiff moved the Court for a temporary restraining order. On January 4, 2024, United States Judge Troy L. Nunley entered and order denying Plaintiff's TRO. Judge Nunley wrote:

"Plaintiff, proceeding pro se, filed the Complaint and instant motion for TRO on January 2, 2024. (ECF Nos. 1, 3.) At the outset, Plaintiff's 141-page Complaint lacks clarity. Plaintiff broadly alleges Defendants engaged in a "racially motivated

conspiracy" in violation of various state and federal laws. (ECF No. 1 at 8.) More specifically, Plaintiff alleges Defendants "conspired to deprive [him] and other African Americans of the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of Little League Baseball, Inc., Airport Little League Baseball, Inc., and [a] sports arena owned by the City." (Id.) Plaintiff also alleges Defendants prevented him from using City property and intimidated and retaliated against him in October 2021 because he had filed prior actions against the City in 2010 and 2014. (Id.) Plaintiff then alleges Defendants sent him letters in October, November, and December 2023 demanding he pay the County $7,517 to punish him for filing the prior actions. (Id. at 8-9.) Plaintiff alleges he "is frightened" and "it is hard for [him] to concentrate on his work because [he] does not know what [Defendants] will do to collect the $7,517." (Id. at 9.) Plaintiff seeks monetary damages and injunctive relief. (Id. at 138-149.) Like the Complaint, the instant motion for a TRO also lacks clarity. Plaintiff requests the Court enjoin Defendants from taking the following actions: (1) intimidating and retaliating against him; (2) searching, detaining, or harassing him; (3) withholding and interfering with his real and personal property; (4) refusing to enter judgments in his favor; (5) maintaining false criminal records on him; (6) interfering with Plaintiff's liquor license for his business; (7) withholding Plaintiff's handgun; (8) using government entities and public monies to break the laws of the United States; (9) implementing a general policy and conspiracy to discriminate against African

Americans; and (10) that Little League Baseball, Inc. be enjoined from holding any games, tournaments, practices, or conditioning sessions. (ECF No. 3 at 2-3.)

STANDARD OF LAW

The appropriate legal standard to analyze a preliminary injunction motion requires a district court to determine whether a movant has established that (1) he is likely to succeed on the merits of his claim, (2) he is likely to suffer irreparable harm absent the preliminary injunction, (3) the balance of equities tips in his favor, and (4) a preliminary injunction is in the public interest. See *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); accord Chamber of Com. of the *U.S. v. Bonta*, 62 F.4th 473, 481 (9th Cir. 2023). As a general matter, district courts "must consider" all four Winter factors. *Vivid Ent., LLC v. Fielding*, 774 F.3d 566, 577 (9th Cir. 2014) (emphasis added). The first factor "is a threshold inquiry and is the most important factor. *Env't Prot. Info. Ctr. v. Carlson*, 968 F.3d 985, 989 (9th Cir. 2020). Thus, a "court need not consider the other factors" if a movant fails to show a likelihood of success on the merits. *Disney Enters., Inc. v. VidAngel, Inc.*, 869 F.3d 848, 856 (9th Cir. 2017). When, like here, the nonmovant is the government, the last two Winter factors "merge." *Nken v. Holder*, 556 U.S. 418, 435 (2009); *Roman v. Wolf*, 977 F.3d 935, 940-41 (9th Cir. 2020) (per curiam).

It is well-established that the first factor is especially important when a plaintiff alleges the merits, that show usually demonstrates he is suffering irreparable harm no matter how brief the constitutional violation and injury. If a plaintiff in such a case shows he is likely to prevail on the violation. See *Planned*

Parenthood Ariz., Inc. v. Humble, 753 F.3d 905, 911 (9th Cir. 2014), abrogated on other grounds by *Dobbs v. Jackson Women's Health Org.,* 142 S. Ct. 2228 (2022). And his likelihood of succeeding on the merits also tips the public interest sharply in his favor because it is "always in the public interest to prevent the violation of a party's constitutional rights." *Riley's Am. Heritage Farms v. Elsasser*, 32 F.4th 707, 731 (9th Cir. 2022) (quoting *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)).

An "individual's right to carry a handgun for self-defense outside the home" under the Second Amendment is one such constitutional right. *N.Y. State Rifle & Pistol Ass'n v. Bruen,* 142 S. Ct. 2111, 2122 (2022). A government may regulate the manner of that carry only if it demonstrates that the regulation is identical or closely analogous to a firearm regulation broadly in effect when the Second or Fourteenth Amendment was ratified. Id. at 2129-30, 2133. A district court should not try to help the government carry its burden by "sift[ing] ... historical materials" to find an analogue. Id at 2150. The principle of party presentation instead requires the court to "rely on the parties to frame the issues for decision." *United States v. Sineneng-Smith,* 140 S. Ct. 1575, 1579 (2020) (quoting *Greenlaw v. United States*, 554 U.S. 237, 243 (2008)); see also *Bruen*, 142 S. Ct. at 2130 n.6 ("Courts are ... entitled to decide a case based on the historical record compiled by the parties.").

If a movant makes a sufficient demonstration on all four Winter factors (three when as here the third and fourth factors are merged), a court "must not shrink from [its] obligation to enforce [his] constitutional rights," regardless of the

constitutional right at issue. *Porretti v. Dzurenda*, 11 F.4th 1037, 1047 (9th Cir. 2021) (quoting Brown v. Plata, 563 U.S. 493, 511 (2011)). It may not deny a preliminary injunction motion and thereby "allow constitutional violations to continue simply because a remedy would involve intrusion into" an agency's administration of state law. See *Baird v. Bonta* 81 F 4th 1036. Id. (quoting *Brown,* 563 U.S. at 511).

ARGUMENT

(1) Plaintiff is likely to succeed on the merits of his claims.

Plaintiff is likely to succeed on the merits of his claims that Defendant has deprived Plaintiff of his rights secured by the due process and equal protection clauses of the Fourteenth Amendments to the United States Constitution because the undisputed facts set out in Plaintiff's Declaration in Support of Irreparable Harm (Plaintiff's Declaration) and the allegations set out in the First Cause of Action in the complaint show that the State has denied Plaintiff his rights secured by the Fourteenth Amendment.

Plaintiff is likely to succeed on the merits of his Title 42 U.S.C. §§ 1981, 1982, 1983, 1985, 2000a, and 2000d claims because the undisputed facts set out in Plaintiff's Declaration and the allegations set out in the Second through Thirteenth causes of action of the Complaint filed in this action show that Plaintiff will prevail on the merits of the above-mentioned claims.

(2) Plaintiff is Likely to Suffer Irreparable Harm Absent the Preliminary Injunction

Plaintiff is likely to suffer irreparable harm absent the preliminary injunction. The undisputed facts in Plaintiff's Declaration and the allegations set out in the complaint show Defendant is depriving Plaintiff of his rights secured by the Fourteenth Amendment and Title 42 U.S.C. §§ 1981, 1982, and 2000.

It is well-established that the first factor is especially important when a plaintiff alleges a constitutional violation and injury. If a plaintiff in such a case shows he is likely to prevail on the merits, that show usually demonstrates he is suffering irreparable harm no matter how brief the violation. See *Planned Parenthood Ariz., Inc. v. Humble*, 753 F.3d 905, 911 (9th Cir. 2014), abrogated on other grounds by *Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022).

(3) The Balance of Equities Tips in Plaintiff's Favor

The balance of equities tip in Plaintiff's favor because the State's conduct as set out in the undisputed facts of Plaintiff's Declaration and the allegations set out in the complaint show that Plaintiff is likely to succeed on the merits of his claims Plaintiff's likelihood of succeeding on the merits also tip the public interest sharply in his favor because it is always in the publics interest to prevent the violation of a party's constitutional rights. See *Baird v. Bonta Supra. Riley's Am. Heritage Farms v. Elsasser* 32 F 4th 707, 731, (9th Cir. 2022) quoting *Melendres v. Arpaio* 695 F 22 3rd 900, 1002 (9th Cir. 2012).

(4) Preliminary Injunction is in the Public's Interest

Plaintiff's likelihood of success on the merits of his constitutional claims also tip the third and fourth factors decisively in Plaintiff's favor because, "public interest

concerns are implicated when constitutional rights have been violated ... all citizens have a stake in upholding the Constitution," *Preminger v. Principi* 422 F 3d 815, 826 (9th Cir. 2005) meaning, "it is always in the public's interest to prevent the violations of a party's constitutional rights." The preliminary injunction is in the public interest.

This action for Temporary Restraining Order Could Not Have Been Filed Earlier

This motion could not have been filed any earlier. Plaintiff did not have the resources to file this motion any earlier. Filing this motion for TRO required Plaintiff to work thirty hours and Ruby McDowell to work fifteen hours from February 3, 2025 through February 8, 2025. During the work week of February 9, 2025, through February 16, 2025, Plaintiff worked on this filing for forty hours and Ruby McDowell worked approximately thirty hours. During the weeks of February 15, 2025, through February 27, 2025, Plaintiff worked approximately 75 hours and Ruby McDowell worked approximately thirty hours. The hours set out above do not include the hours that this filing occupied Plaintiff's thoughts.

During the month of February, Plaintiff was unable to work at his business, exercise, or eat a proper diet. Ruby McDowell worked a full time job as an educator and attends night school. Ruby McDowell has taken two days from work to work on this filing. This filing has cost money, time, and effort so Plaintiff was unable to pursue any business.

Plaintiff knew the amount of resources that preparing this filing motion would to take to file this motion for TRO. Plaintiff had to plan an appropriate time

to work on this filing and give up his time for business. It was very difficult to put the resources together to work on this filing. Plaintiff could not have completed this filing any sooner. See Plaintiff's Declaration 508-510.

CONCLUSION

Plaintiff is likely to prevail on the merits of his claims in this action; Plaintiff has suffered and continues to suffer irreparable harm absent the preliminary injunction; the balance of equities tips sharply in Plaintiff's favor; and the injunction is in the public's interest. Plaintiff has satisfied the four Winter elements. Plaintiff is entitled to the preliminary injunction.

Dated: February 28, 2024

/s/Jefferson A. McGee

Pro Se Attorney

DECLARATION OF PLAINTIFF JEFFERSON A. MCGEE DETAILING THE NOTICE OR EFFORTS TO SERVE THE AFFECTED PARTIES OR COUNSEL.

1. I solemnly swear under penalty of perjury that the foregoing is true and correct.

2. I am the Plaintiff is this action.

3. I have attempted via telephone communication and email to give notice to the State of California. The efforts are detailed below:

a. I called the CA Department of Justice, Claire Leonard CA DOJ 213-269-6689 February 28, 2025, at 12:40 p.m. and left a message.

b. An email was sent to Claire Leonard at the CA DOJ clair.leonard@doj.ca.gov February 28, 2025, at 12:42 p.m. requesting a meet and confer.

4. The Complaint and accompanying documents and the Notice and Motion for TRO were placed in next through the United States Postal Service on February 28, 2025.

I am competent to testify to the matters set forth above.

Dated: February 28, 2025

/s/Jefferson A. McGee

Pro Se Attorney

NOTICE OF RELATED CASES IN STATE AND FEDERAL TRIAL AND APPELLATE COURTS

The following related cases were filed in the United States Supreme Court:

- *Jefferson A. McGee v. City of Sac, CA* . 18-15844 CLOSED 04/15/2019
- *Jefferson A. McGee v. California et. al.,* 15-1542 CLOSED 10/03/2016
- *Jefferson A. McGee v. Sup. Ct. of CA, Sac County et. al.* 12-5500 CLOSED 10/9/2012
- *Jefferson A. McGee v. California et. al.* 10-10738 CLOSED 10/03/2011
- *Jefferson A. McGee v. Edmund G. Brown Jr. Attorney General of California* 10-106 CLOSED 10/04/2010
- *Jefferson A. McGee v. Sup. Ct. of CA, Sac County et. Al.,* 09-613 CLOSED 01/25/2010
- *Jefferson A. McGee v. MMDD Sac Project* 06A1072 CLOSED 04/15/2007
- *Jefferson A. McGee v. Margaret Seagraves et. al.* 06-8667 CLOSED 03/05/2007
- *Jefferson A. McGee v. MMDD Sac Project.* 06-11264 CLOSED 10/01/2007
- *Jefferson A. McGee v. CA State Senate et. al.* 06-11265 CLOSED 10/01/2007
- *Jefferson A. McGee v. CA State Senate, et. al.* 06-11265 CLOSED 10/01/2007
- *Jefferson A. McGee v. Sup. Ct. of CA, Sac County et. al.* 05-11328 CLOSED 10/02/2006
- *Jefferson A. McGee v. John Hildebrand* 01-8439 CLOSED 04/22/2002

The following related cases were filed in the United States Court of Appeals for the Ninth Circuit:

- *McGee v. Hildebrand* 00-16894 CLOSED 10/10/2000
- *McGee v. Wilson et. al.* 00-70225 CLOSED 02/29/2000
- *McGee et. al. v. Wilson et. al.* 02-15000 CLOSED 01/03/2002
- *McGee et. al. v. State of CA el. al.* 17-15936 CLOSED 05/05/2017
- *McGee v. City of Sacramento* 18-15844 CLOSED 05/09/2018

The following related cases were filed in the United States District Court for the Eastern District of California:

- *McGee v. Craig et. al.* 2:98-cv-1026 GEB DAD CLOSED 01/22/2003
- *People of the State of California v. McGee* 2:98-mc-0321 DFK PAN CLOSED 03/16/1999
- *McGee v. Davis* 2:01-mc-00179 LKK PAN CLOSED 05/29/2002
- *McGee v. People of the State, et. al.* 2:04-cv-00283 GEB KJM CLOSED 04/15/2004
- *McGee v. Schwarzenegger et. al.* 0:04-cv-2598 LKK DAD CLOSED 09/20/2005
- *McGee v. MMDD Sacramento Project et. al.* 2:05-cv-00339 WBS DAD CLOSED 08/29/2005
- *McGee v. State Senate et. al.* 2:05-cv-02632 GEB EFB CLOSED 01/26/2007
- *McGee v. Seagraves et. al.* 2:06-cv-00495 MCE GGH CLOSED 07/17/2006
- *McGee v. State of California* 2:09-cv-00740 GEB EFB CLOSED 02/09/2011

- *McGee v. Attorney General State of CA et. al.* 2:10-cv-00137 KJM CLOSED 03/31/2010
- *McGee v. Attorney General State of CA et. al.* 2:11-cv-02554 CMK CLOSED 04/24/2014
- *McGee v. State of California et. al.* 2:14-cv-00823 JAM KJN CLOSED 07/24/2014
- *McGee v. State of California et. al.* 2:16-cv-01796 JAM EFB CLOSED 04/26/2018
- *McGee v. Airport Little League Inc. et. al.* 2:21-cv-01654 DAD DB CLOSED 05/22/2023
- *McGee v. State of California et. al.* 2:24-cv-00012 TLN AC CLOSED 05/22/2023

The following related case was filed in the United States Bankruptcy Appellate Panel of the Ninth Circuit:

- *McGee v. County of Sacramento et. al.* EC-98-1456 CLOSED 06/30/1999

The following related case was filed in the United States Bankruptcy Court for the Eastern District of California:

- *In re: McGee* 98-2148c-7 CLOSED 07/13/1999

The following related cases were filed in the California Supreme Court:

- *McGee v. CA Superior Court, County of Sac* 5174388 CLOSED
- *McGee v. S.C. (McGEE)* S202292 CLOSED 06/13/2012
- *McGee (Jefferson Arnold) on H.C.* S174654 CLOSED 11/10/2009

- *McGee v. S. C. (McGEE)* S174388 CLOSED 08/19/2009
- *McGee v. S. C. (MMDD Sac Project)* S150600 CLOSED 03/14/2007
- *McGee v. S. C. (Seagraves)* S142685 CLOSED 05/10/2006
- *McGee (Jefferson) on H.C.* S135738 CLOSED 08/24/2005

The following related cases were filed in the California Court of Appeal for the Third Appellate District:

- *McGee v. The Superior Court of Sac County* C070660 CLOSED 04/05/2012
- *McGee v. The Superior Court of Sac County* C062003 CLOSED 06/04/2009
- *In re JEFFERSON ARNOLD MCGEE on Habeas Corpus* C060841 CLOSED 05/07/2009
- *McGee v. The Superior Court, Sac County* C054879 CLOSED 02/22/2007
- *McGee v. Sac County Superior Court* C054390 CLOSED 01/04/2007
- *McGee v. MMDD Sacramento Project et. al.* C053482 CLOSED 07/17/2007
- *McGee v. Superior Court, Sac County* C052342 CLOSED 04/13/2006
- *In re: Jefferson A. McGee on Habeas Corpus* C050056 CLOSED 06/30/2005
- *The People v. McGee* C049881 CLOSED 03/21/2006

The following related cases were filed in the Superior Court of California County of Sacramento:

- *McGee v. Twilling* 97C52513 JUDGMENT 10/31/1997
- *McGee v. CA State Senate et al.* 05AS05074 CLOSED 12/28/2005
- *The People v. McGee* 98M0874 CLOSED Unknown
- *McGee v. Stinson* 03AS0529 JUDGMENT 07/03/2003

- *The People v. McGee* 03F11189 JUDGMENT 05/16/2005
- *McGee v. MMDD Sac Project et. al.* 05AS05330 CLOSED 07/12/2006
- *McGee v. Seagraves et. al.* 06AS05145 CLOSED Sealed Clerk's number 916-874-5522
- *McGee v. CA Superior Court of Sac County* 05AW00003 CLOSED 09/20/2005
- McGee v. Superior Court of the State of CA 34-2008-80000050-CU-WM-GDS CLOSED 09/19/2008

The following related cases were filed in the Superior Court of California, County of Sacramento (Unlawful Detainer Division):

- *McGee v. McGee* 07UD005837 JUDGMENT 06/04/09
- *McGee v. McGee* 10UD12194 JUDGMENT 04/05/2012
- *Hildebrand v. McGee* 00UD0980 JUDGMENT 07/17/2000
- *Seagraves v. McGee* 06UD01661 JUDGMENT
- *MMDD Sac Project v. McGee* 05UD00155 JUDGMENT 02/06/2005
- *MMDD Sac Project v. McGee* 05UD06552 JUDGMENT 04/28/2005
- *Hildebrand v. McGee* JUDGMENT Uknown
- *McGee v. McGee et. al.* 09UD12194 JUDGMENT 03/16/2010