

1 **APPENDIX**

2 **APPENDIX TO PETITION FOR A WRIT OF CERTIORARI**

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4 **Richard R. Lawless, Petitioner**

5 v.

6 **United States of America, et al., Respondents**

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8 **Appendix Index**

Appendix Description

Appendix A Ninth Circuit Order Dismissing Appeal as Frivolous (Nov. 19, 2025)

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1 **APPENDIX A**
2 **United States Court of Appeals for the Ninth Circuit**
3 **Order Dismissing Appeal as Frivolous**
4 **Richard R. Lawless v. United States of America, et al.**
5 **Ninth Circuit No. 25-5780**
6 **Order entered November 19, 2025**

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UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

NOV 19 2025

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

RICHARD R. LAWLESS,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants - Appellees.

No. 25-5780

D.C. No.

5:25-cv-00773-JWH-SP

Central District of California,
Riverside

ORDER

Before: SILVERMAN, TALLMAN, and BUMATAY, Circuit Judges.

After considering the responses to the court's September 23, 2025 order, we deny the motion to proceed in forma pauperis (Docket Entry No. 3) and dismiss this appeal as frivolous. *See* 28 U.S.C. § 1915(a), (e)(2).

All other pending motions are denied as moot.

No further filings will be entertained in this closed case.

DISMISSED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 12 2026

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

RICHARD R. LAWLESS,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; et al.,

Defendants - Appellees.

No. 25-5780

D.C. No.

5:25-cv-00773-JWH-SP

Central District of California,
Riverside

MANDATE

The judgment of this Court, entered November 19, 2025, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

1 **APPENDIX B**

2 ****United States District Court**

3 **Central District of California****

4 **Order Excluding Evidence and Dismissing Action**

5 **Richard R. Lawless v. United States of America, et al.**

6 **District Court Case No. 5:25-cv-00773-JWH-SP**

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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Richard R. Lawless,

v.

United States of America, et al.,

PLAINTIFF(S)

DEFENDANT(S)

CASE NUMBER

5:25-cv-00773-JWH-SP

ORDER ON REQUEST TO PROCEED
IN FORMA PAUPERIS
(NON-PRISONER CASE)

The Court has reviewed the Request to Proceed *In Forma Pauperis* (the "Request") and the documents submitted with it. On the question of indigency, the Court finds that the party who filed the Request:

- is not able to pay the filing fees. is able to pay the filing fees.
- has not submitted enough information for the Court to tell if the filer is able to pay the filing fees. This is what is missing:

IT IS THEREFORE ORDERED that:

- The Request is GRANTED.
- Ruling on the Request is POSTPONED for 30 days so that the filer may provide additional information.
- The Request is DENIED because the filer has the ability to pay.
- As explained in the attached statement, the Request is DENIED because:
 - The District Court lacks subject matter jurisdiction removal jurisdiction.
 - The action is frivolous or malicious.
 - The action fails to state a claim upon which relief may be granted.
 - The action seeks monetary relief against defendant(s) immune from such relief.

IT IS FURTHER ORDERED that:

- Within 30 days of the date of this Order, the filer must do the following:

If the filer does not comply with these instructions within 30 days, this case will be DISMISSED without prejudice.

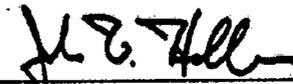
- As explained in the attached statement, because it is absolutely clear that the deficiencies in the complaint cannot be cured by amendment, this case is hereby DISMISSED WITHOUT PREJUDICE WITH PREJUDICE.
- This case is REMANDED to state court as explained in the attached statement.

March 31, 2025

Date

John W. Holcomb

United States District Judge



On March 22, 2025, Plaintiff filed a Complaint and a Request to Proceed In Forma Pauperis. (ECF Nos. 1-2.) Plaintiff alleges violations of his civil rights under 42 U.S.C. § 1983 and *Bivens v. Six Unknown Agents*, 403 U.S. 388 (1971). (ECF No. 1 at 3-5.) The Defendants are the United States and federal agencies and officials. (Id. at 1.) Plaintiff alleges that his civil rights were violated when he became a whistleblower in 2015 about fraudulent bond issuances by the Puerto Rico Electric Power Authority. (Id. at 3.) The Securities and Exchange Commission allegedly retaliated against Plaintiff for his whistleblowing activities by investigating Plaintiff and subpoenaing Plaintiff's private email records from Google. (Id. at 12-13.) Plaintiff seeks damages and other relief. (Id. at 15-16.)

Plaintiff admits that he is currently litigating these allegations in an earlier case that is still pending, *Lawless v. Securities and Exchange Commission*, Case No. 5:21-cv-01637-JWH-SP. (ECF No. 1 at 27, 33.) In the instant action, Plaintiff is raising the same arguments, based on alleged retaliation for his whistleblower status, that he raised in the earlier, still-pending case. (Id. at 27-28.)

Because Plaintiff seeks to proceed in forma pauperis, the Court has reviewed the Complaint to determine whether the action is frivolous or malicious; fails to state a claim on which relief may be granted; or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B). As stated below, the Complaint is dismissed without leave to amend.

First, the Complaint is frivolous or malicious because it “merely repeats pending or previously litigated claims.” *Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); see also *Daker v. Ward*, 999 F.3d 1300, 1308 (11th Cir. 2021) (“[D]uplicative actions are properly dismissed as frivolous or malicious.”) (collecting cases). The instant action is duplicative of allegations in Plaintiff's currently-pending action in Case No. 5:21-cv-01637-JWH-SP. “Plaintiffs generally have no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant.” *Adams v. California Dep’t of Health Services*, 487 F.3d 684, 688 (9th Cir. 2007), overruled on other ground by *Taylor v. Sturgell*, 553 U.S. 880, 904 (2008).

Second, the Complaint fails to state a claim because it raises a legal theory, civil rights violations, that does not apply to the federal government. See *Jachetta v. United States*, 653 F.3d 898, 904 (9th Cir. 2011) (federal government is immune from claims of violations of “federal civil rights” and “federal constitutional rights”). Although a narrow exception may arise for a *Bivens* claim based on a violation of the Fourth Amendment, *Bivens* does not extend to the new context raised here, involving the allegedly unlawful seizure of records (ECF No. 1 at 14), rather than a seizure of a person. See *Callahan v. Federal Bureau of Prisons*, 965 F.3d 520, 525 (6th Cir. 2020) (Fourth Amendment claim based on seizure of property would raise a new *Bivens* context); see also *Harper v. Nedd*, 71 F.4th 1181, 1185 (9th Cir. 2023) (if a case is “different in a meaningful way” from the Supreme Court's previous *Bivens* cases, then the context is new and cannot be litigated as a *Bivens* claim).

Finally, given these deficiencies, leave to amend is not warranted. Plaintiff cannot amend his Complaint to overcome the conclusion that this action is duplicative. See *Pittman v. Moore*, 980 F.2d 994, 995 (5th Cir. 1993) (“[T]he district court confronted with the later-filed action should dismiss it in favor of the case that was filed earlier.”). Plaintiff also cannot amend his Complaint to overcome the conclusion that he has no cognizable constitutional claim against the federal government. See *Lockheed Martin Corp. v. Network Solutions, Inc.*, 194 F.3d 980, 986 (9th Cir. 1999) (amendment is futile where there is no cause of action). Thus, the Complaint is dismissed without leave to amend. The action is dismissed without prejudice because the earlier action, in Case No. 5:21-cv-01637-JWH-SP, is still pending. See *Pittman*, 980 F.2d at 995.

(attach additional pages if necessary)

1 **APPENDIX C**

2 **Constitutional and Statutory Provisions Involved**

3

4 **United States Constitution — Fifth Amendment (Excerpt)**

5 *No person shall be ... deprived of life, liberty, or property, without due process of law...*

6

7 **28 U.S.C. § 1915(e)(2)**

8 **(2)** Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court
9 shall dismiss the case at any time if the court determines that—

10 **(A)** the allegation of poverty is untrue; or

11 **(B)** the action or appeal—

12 **(i)** is frivolous or malicious;

13 **(ii)** fails to state a claim on which relief may be granted; or

14 **(iii)** seeks monetary relief against a defendant who is immune from such relief.

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17 **END OF APPENDIX**

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**UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA**

RICHARD R. LAWLESS,

Plaintiff,

v.

UNITED STATES OF AMERICA,
SECURITIES AND EXCHANGE
COMMISSION,
UNITED STATES ATTORNEY'S
OFFICE FOR THE CENTRAL
DISTRICT OF AMERICA; and
ATTORNEY GENERAL OF THE
UNITED STATES,

Defendants.

Case No. 5:25-cv-00773-JWH-SPx

**ORDER DENYING PLAINTIFF'S
MOTIONS FOR RELIEF FROM
JUDGMENT [ECF Nos. 13 & 15],
FOR LEAVE TO FILE AN
AMENDED COMPLAINT [ECF
No. 14], AND FOR
REASSIGNMENT [ECF No. 16]**

1 Before the Court in this closed case are (1) the motions of Plaintiff
2 Richard Lawless for relief from judgment;¹ (2) Lawless’s motion for leave to file
3 an amended pleading;² and (3) Lawless’s motion to reassign this case.³ The
4 Court concludes that these matters are appropriate for resolution without a
5 hearing. *See* Fed. R. Civ. P. 78; L.R. 7-15. After considering the papers filed in
6 support, the Court **DENIES** the Motions.

7 Rule 60(b) of the Federal Rules of Civil Procedure permits a district court
8 to relieve a party from judgment based upon: (1) mistake, inadvertence,
9 surprise, or excusable neglect; (2) newly discovered evidence which by due
10 diligence could not have been discovered before the court’s decision; (3) fraud
11 by the adverse party; (4) a void judgment; (5) satisfaction of judgment; or
12 (6) any other reason justifying relief. *See* Fed. R. Civ. P. 60(b); *School Dist.*
13 *No. 1J, Multnomah County, Oregon v. ACandS, Inc.*, 5 F.3d 1255, 1262 (9th Cir.
14 1993). The Ninth Circuit has cautioned that, although Rule 60(b) “affords
15 courts the discretion and power to vacate judgments whenever such action is
16 appropriate to accomplish justice,” *Henson v. Fid. Nat’l Fin., Inc.*, 943 F.3d 434,
17 445 (9th Cir. 2019), that Rule may not be used “‘to circumvent the strong public
18 interest in the timeliness and finality’ of judgments,” *Phelps v. Alameida*, 569
19 F.3d 1120, 1135 (9th Cir. 2009) (quoting *Flores v. Arizona*, 516 F.3d 1140, 1163
20 (9th Cir.2008)). Thus, Rule 60(b) relief is appropriate only when extraordinary
21 circumstances justify that relief; mere dissatisfaction with the court’s order or
22 belief that the court is wrong in its prior decision is not an adequate ground for
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25 ¹ *See* Pl.’s Mots. for Relief from Judgment (the “Motions for Reconsideration”) [ECF Nos. 13 & 15].

26 ² *See* Pl.’s Mot. for Leave to File an Am. Compl. (the “Motion for Leave to Amend”) [ECF No. 14].

27
28 ³ *See* Pl.’s Mot. (the “Motion for Reassignment”) [ECF No. 16].

1 relief. *See Twentieth Century-Fox Film Corp. v. Dunnahoo*, 637 F.2d 1338, 1341
2 (9th Cir. 1981).

3 Lawless argues that the Court should reopen this action and allow Lawless
4 to amend his Complaint because he is a whistleblower.⁴ Lawless also asserts that
5 he “has discovered additional facts and legal grounds that warrant amendment
6 of the complaint,” such as evidence that “individual U.S. Attorneys knowingly
7 withheld a material criminal confession . . . and made false statements to the
8 Court.”⁵

9 Lawless’s arguments and allegations echo those that he has made, and
10 that the Court has rejected, in numerous other lawsuits that Lawless filed
11 against the Government and its employees.⁶ As the Court explained when it
12 dismissed this action, Lawless may not “repeat[] pending or previously litigated
13 claims,” *Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995), and
14 Lawless may not respond to adverse rulings by reasserting his claims in a new
15 proceeding or by attacking the validity of the prior proceedings through a new
16 proceeding, *see Adams v. California Dep’t of Health Services*, 487 F.3d 684, 688
17 (9th Cir. 2007), *overruled on other grounds by Taylor v. Sturgell*, 553 U.S. 880, 904
18 (2008). In his instant Motions, Lawless once again repeats his prior allegations,
19 reasserts previously dismissed claims, and attacks the validity of prior
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23 ⁴ *See generally* Motions for Reconsideration.

24 ⁵ Motion for Leave to Amend 2:2-7.

25 ⁶ *See, e.g.*, Order re Def.’s Mot. to Dismiss [ECF No. 11]; Pl.’s Mots. to
26 Stay Proceedings [ECF Nos. 12 & 16], to Disqualify [ECF No. 13], and to
27 Amend [ECF No. 18]; and Def.’s Mot. to Declare Pl. a Vexatious Litigant [ECF
28 No. 21] [ECF No. 46 in *Lawless v. United States*, Case No. 5:25-cv-01599 (C.D.
Cal.)] (describing Lawless’s litigation history).

1 proceedings.⁷ Accordingly, Lawless has neither demonstrated that this action
2 should be reopened nor that he should be granted leave to amend.

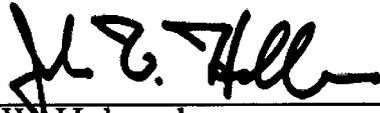
3 Accordingly, the Court hereby **ORDERS** as follows:

4 1. Lawless's instant Motions for Reconsideration [ECF Nos. 13 & 15]
5 and his Motion for Leave to Amend [ECF No. 14] are **DENIED**.

6 2. In view of those rulings, Lawless's instant Motion for
7 Reassignment [ECF No. 16] is **DENIED as moot**.

8 **IT IS SO ORDERED.**

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10 Dated: September 2, 2025



John W. Holcomb
UNITED STATES DISTRICT JUDGE

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⁷ See generally Motions for Reconsideration; Motion for Leave to Amend.