

APP No. 25A249

Supreme Court, U.S.
FILED

AUG 26 2025

OFFICE OF THE CLERK

IN THE SUPREME COURT OF THE UNITED STATES

FEIFEI GU

Applicant

vs.

POLICE OFFICER MICHAEL SHER, POLICE OFFICER STEVEN VITELLI,

GOVERNOR KATHY HOCHUL, STATE OF NY,

HANG CHEN, EMILY HUI CHEN-LIANG, SUSANA CHONG CHEN,

Respondents

EMERGENCY APPLICATION FOR INJUNCTION

Feifei Gu

2526 85st, Brooklyn, NY 11214

shelbieferrari0915@gmail.com

APPLICANT

RECEIVED

AUG 29 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

PARTIES TO THE PROCEEDING

All parties appear in the caption of the case on the cover page.

RELATED PROCEEDINGS

FEDERAL COURTS

**Feifei Gu v. Michael Sher, Steven Vitelli, Kathy Hochul, State of NY,
Hang Chen, Emily Hui Chen-Liang, Susana Chong Chen,
United States District Court for the Eastern District of NY, 24-CV-6157,
United States Court of Appeals for the Second Circuit, 24-2799**

**In Re: Feifei Gu, United States District Court for the Eastern District of NY,
25-mc-01503**

STATE COURTS

People v. Gu, New York City Kings County Criminal Court, CR-001793-24/KN,

**Hang Chen, Emily Hui Chen-Liang, 252685ST LLC v. Feifei Gu, Yu Hin Chan,
New York State Kings County Supreme Court, 505280/2024,**

**252685ST LLC v. Feifei Gu, Yu Hin Chan,
New York City Kings County Housing Court, LT-303908-25/KI.**

To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit:

Applicant respectfully requests the following relief:

1. Enjoining the execution of Order in New York State Kings County Supreme Court Case 505280/2024, which enjoined Applicant from filing any lawsuits in New York Unified Court System,
(Annexed as Appendix A)
2. Enjoining the execution of Order in New York State Kings County Supreme Court Case 505280/2024, which adjudicated Applicant in Contempt of Court with money damages,
(Annexed as Appendix B)
3. Enjoining proceedings in New York City Criminal Court Case CR-001793-24/KN,
4. Enjoining the eviction process in New York City Kings County Housing Court Case LT-303908-25/KI, Enjoining the trial scheduled for 9/2/25 9:30AM ,
5. Enjoining the execution of Order rendered by EDNY judge Eric Ross Kommittee in 25-mc-01503, which enjoined Applicant from any lawsuits in EDNY.
(Annexed as Appendix C)

This Court has jurisdiction to grant injunction pursuant to 28 U.S.C. § 1254(1). The Petition was docketed as 25-5316.

INTRODUCTION

Applicant is a victim of harassment from state officials. Applicant's stories that will unfold here is a modern day catch-and-kill, a campaign of endless terror.

To start with, in retaliation for Applicant's 311 Complaints of Housing violations, Respondents Susana Chong Chen, Emily Hui Chen-Liang, and Hang Chen colluded with multiple NYPD and Kings County DA Eric Gonzalez in manufacturing a fake criminal charge against Applicant, a Class A misdemeanor for "damaging" a security camera: police reports were forged, evidence was fabricated. (See Appendix D - Complaint of 24-CV-6157)

On another track, above Respondents initiated a civil case mirroring criminal case, again claiming that Applicant damaged the security camera, Applicant made "false" Google Reviews exposing their conspiracy of fake 911 reports.

As the civil case continues in New York State Kings County Supreme Court, more drama appeared. Firstly, Applicant found multiple clues of ex parte communication between above Respondents and presiding judge Joy F. Campanelli (detailed in *Gu v. Campanelli* EDNY 24-CV-8444); Secondly, judge Joy F. Campanelli was found to have forged multiple Court documents. (detailed in *Chan v. Campanelli* NDNY 25-CV-743, see Appendix E),

Applicant's civil appeal was also obstructed: the Second Appellate Division indefinitely delayed the scheduling of Applicant's appeal in 505280/2024 - cases filed after Applicant's had already finished oral argument, however, this appeal, filed in November 2024, today, 9 months after, the Appellate Division refuses to schedule it for oral argument or decide it.

While in criminal court, the same story happened: multiple judges including judge Jung A. Park and Judge Monique Hollaman were found to have ex parte communication with ADA Lawrence Lusher, ADA Vincent James Didonato III, ADA Joseb Gim, ADA Cassidy Marriott. Applicant filed an appeal to Appellate Term regarding the denial of her motion to dismiss, however, Kings County Criminal Court refused to transfer the record, and Appellate Term refused to assign a case number. Even worse, Kings County Criminal Court would not decide a motion filed by Applicant.

The situation starts to get uncontrolled. On 4/16/25, judge Joy F. Campanelli sua sponte issued an Order, enjoining Applicant from "instituting any further actions and proceedings in any court in the Unified Court System in the State of New York", any violation of this Order will be "adjudicated and punished for Criminal Contempt. If so adjudicated, the court will consider the maximum penalty provided by law."

To be worse, Joy F. Campanelli restricted Applicant from filing any motions in 505280/2024, and in the Contempt Hearings, Joy F. Campanelli inexplicably

SUA SPONTE precluded Applicant from presenting any more evidence and SUA SPONTE restricted Applicant from giving further testimony even without objection from the other parties.

The procedural background of this case can be more “fascinating”: EDNY judge Eric Ross Komitee sua sponte dismissed the Complaint and stated the following in the Order:

“The Court notes that this is the fourth action that plaintiff has brought concerning her January 1, 2024 arrest and subsequent prosecution for criminal mischief. See *Gu v. Chen et al.*, No. 24-cv-4756; *Gu v. Chen et al.*, No. 24-cv-5113; *Gu v. Didonato et al.*, No. 24-cv-5179.

Plaintiff is warned that the future filing of repetitive, vexatious, and frivolous litigation may result in the imposition of an injunction prohibiting her from making future filings seeking in forma pauperis status without leave of the Court.”

(emphasis added)

While above-mentioned 24-cv-4756, 24-cv-5113, 24-cv-5179 were all filed in July 2024, all of those were sua sponte dismissed by Eric Ross Komitee on 2/27/25, which is around 8 MONTHS after. The Order also involved *Gu v. Campanelli*, in which docket fee was paid, however, Eric Komitee sua sponte dismissed the case around 3 months after, without any motions or answers filed by Defendants.

On 4/1/25, Eric Ross Komitee sua sponte issued an Order, ENJOINING Applicant from filing any new action (whether fee-paid or in forma pauperis) in the United States District Court for the Eastern District of New York without first obtaining permission from the Court (25-mc-01503). The Order used the language

“Undeterred by Sher’s dismissal or this Court’s warning, Gu filed an additional suit...” sounds like Eric Ross Komitee is the Defendant in those cases,

Applicant has also been restrained from filing motions in all existing cases.

However, Eric Ross Komitee is not alone in such “slow-docket” style, the Second Circuits “enjoys” the same fashion: half a month after the filing of Applicant’s emergency motion, a single judge denied it without a reason. 5 Months later, the appeal and motion were sua sponte dismissed without a reason.

Same *Sua Sponte*, Same *Slow Docket*. This should be the slogan for Eric Ross Komitee and the Second Circuit.

Just like American Horror Story has 12 seasons, the story does not merely end here. Above Respondents then commenced a housing court case to evict Applicant. The judges Kevin C. McClanahan, Karen May Bacdayan, and Shantonu Basu, in conspiracy with Respondents Hang Chen, Emily Hui Chen-Liang, Susana Chong Chen, forged court records claiming Applicant filed an Answer when Applicant never filed one. The same tactics were also used which restrained Applicant from filing any motions.

I. This Court Is Likely to Grant Review

This Case presents a question that is worthy of review: In a 42 U.S.C. § 1983 setting, when a federal court is asked to stay the enforcement of a State Court's Order in a civil case initiated by private parties, whether a stringent test should be applied to decide whether the State's interests are negligible or important? In satisfying such a standard, Do the State's interests need to be legitimate in the first hand to warrant abstention or Do the State's interests override a person's constitutional rights?

In *Younger* and its civil counterparts, federal abstention is mostly warranted so as not to "unduly interfere with the *legitimate* activities of the States." (emphasis added), quoting *Huffman v. Pursue, Ltd.*, 420 US 592 - Supreme Court 1975. However, this obviously goes against Congress's intention of enacting 42 U.S.C. § 1983, as Justice Brennan stated that, in enacting §1983, Congress "created a specific and unique remedy, enforceable in a federal court of equity, that could be frustrated if the federal court were not empowered to enjoin a state court proceeding."

When lower federal courts are asked to intervene in a state civil proceeding, Courts should balance the state's interests and a person's federally-protected rights. In light of the above-mentioned conflicts, several questions should be addressed in the first hand: what are "legitimate" State interests? Are State's interests still "legitimate" when a person's federally-protected rights are eroded? Do State's interests outweigh a person's constitutional rights? In what scenarios State's interests are negligible or important? ... What tests should be applied?

As no stringent test was formulated, there has always existed a potential conflict of rulings within this Court. The Circuits also have nothing to follow and are split in their rulings on similar issues. This issue is especially important in a 42 U.S.C. § 1983 setting and recurs with stunning frequency.

As has been detailed in Applicant's Petition, today, lower federal courts are increasingly employing a form of "free-floating federalism" without a careful balance between comity and individual rights. *Younger* has become a boilerplate excuse for lower federal court's abstention. Those, like Applicant, were trapped in state courts' mousetrap with no way out while federal rights are being sacrificed day by day. This issue is an area of the greatest importance to this society.

This case presents a straightforward vehicle to address those long unsolved questions and calls for a modern day reexamination of *Younger* exception. Applicant has been dragged into chaos of a fake criminal case, a contempt case, and later an eviction case through private parties' collusion with multiple state officials. There is the concomitant danger of drying up Applicant's rights that Congress wished to safeguard. The language in 42 U.S.C. § 1983 suffices to provide a right of action in this scenario, and most importantly, an express remedy which runs in a straight line. Therefore, it's time that this Court breath life into 42 U.S.C. § 1983 with clear enforcement remedy and to create a framework so as to balance State's interests and a person's constitutional rights.

This Court should set the landscape.

II. Applicant Will Likely Prevail on Appeal

Lower Federal Court EDNY Judge Eric Ross Komitee Erred in Adjudicating that There Was No Bad Faith

“A federal court may exercise jurisdiction if the plaintiff can make a showing of bad faith, harassment or any other unusual circumstance that would call for equitable relief”. See *Younger*, 401 U.S. at 54. Since *Younger*, this Court had widened the scope of this abstention doctrine to include some cases in which the underlying state proceeding is civil, as in *Huffman v. Pursue, Ltd.*, 420 US 592, this Court held that: *Younger*, and its civil counterpart which we apply today, do of course allow intervention in those cases where the District Court properly finds that the state proceeding is motivated by a desire to harass or is conducted in bad faith, or where the challenged statute is “flagrantly and patently violative of express constitutional prohibitions in every clause, sentence and paragraph, and in whatever manner and against whomever an effort might be made to apply it.”

EDNY judge Eric Ross Komitee falsely and blindly adjudicated that “Plaintiff has alleged no facts showing bad faith, harassment, or irreparable injury with respect to her criminal proceedings. This skewed decision drew inferences that were plainly contradicted by the record, and will be reversed on appeal.

Respondents State of NY, Hang Chen, Susana Chong Chen, Emily Hui Chen-Liang

Had Demonstrated Bad Faith in CR-001793-24/KN

As had been alleged in lower federal court and Second Circuit:

1. Respondents Emily Hui Chen-Liang, Hang Chen, Susana Chen Chong behaved in bad faith when making fake 911 calls reporting that Applicant damaged the security camera, they then provided falsified evidence to NYPD and ADA, conspired with ADA in presenting falsified evidence before the Criminal Court,

2. NYPD falsified police reports and Criminal Court Complaints, there was no probable cause to arrest Applicant, but Applicant was arrested, detained for 25 hours; ADA has no probable cause to initiate the criminal case, but still initiated and continued it in bad faith though being fully aware that evidence and reports were falsified,

3. Because evidence showed the camera was never damaged, receipts were falsified, Respondent the State of NY brought the case with no reasonable expectation to obtain a favorable outcome in criminal court.

Respondents Hang Chen, Susana Chong Chen, Emily Hui Chen-Liang

Had Demonstrated Bad Faith in 505280/2024

As 505280/2024 mirrors CR-001793-24/KN, which claims that Applicant damages security cameras, etc., thus sufficient showings of bad faith have been demonstrated.

III. The Relief Applicant requested Is Not Available From Other Courts

1. EDNY Eric Ross Komitee (see Appendix F) and Second Circuit (see Appendix G) sua sponte denied Applicant's TRO seeking to stay the Contempt Hearing and Criminal Hearing.
2. EDNY judge Eric Ross Komitee restrained Applicant from starting any new cases or filling any motions in existing cases.
3. State Appellate Term refused to assign case number of Applicant's criminal appeal, Criminal Court refused to transfer the record, Applicant's motion was long undecided in Criminal Court.
4. Regarding the civil case, State Court judge Joy F. Campanelli restricted Applicant from filling any motions in the case, State Appellate Division refused to schedule or decide the underlying appeal, and in the Contempt Hearings, Joy F. Campanelli inexplicably sua sponte precluded Applicant from presenting any more evidence and sua sponte restricted Applicant from giving further testimony even without objection from the other parties. Joy F. Campanelli also forged Court Records and repeatedly had ex parte communication with Respondents.
5. In the Housing eviction cases, Applicant is restrained from filling motions. Judges forged Court records that an Answer was filed so as to expedite the case to trial.

6. The abstention doctrine applies only if plaintiffs have an opportunity to fairly pursue their federal claims in the state proceedings. *Juidice v. Vail*, 430 U.S. 327, 337, 97 S.Ct. 1211, 1218, 51 L.Ed.2d 376 (1977); *Younger*, 401 U.S. at 45, 91 S.Ct. at 751; *J.P. v. DeSanti*, 653 F.2d 1080, 1084 (6th Cir.1981). "The doctrine of Younger non-interference 'naturally presupposes the opportunity to raise and have timely decided by a competent state tribunal the federal issue involved.'" *Martin-Marietta Corp. v. Bendix Corp.*, 690 F.2d 558, 564 (6th Cir.1982) (citations omitted).

7. However, State courts were in league with Respondents in abrogation of Applicant's federally protected rights. The grievance process was intentionally withheld from Applicant, which is front and center. The State hearings and appeals process failed to proceed in a prompt and bona fide manner.

8. To make matters worse, there is no competent tribunal for the resolution of federal issues. The unreasonable delay of Second Circuit and Eric Ross Komitee corrupted the rulings and grave doubts were harbored about the long delay.

9. All these stark and egregious facts provide a justification that this court is a matter of last resort in an effort to seek the relief and to keep Applicant from harassment by state officials, EDNY Eric Ross Komitee, and the Second Circuit.

III. Applicant Will Be Irreparably Injured Absent *Injunction* and

Public Interests Call For *Issuance of Injunction*

1. "It is always in the public interest to prevent the violation of a party's constitutional rights, see *Pryor v. Sch. Dist. No. 1*, 99 F.4th 1243 (10th Cir. 2024),
2. "It is only when the state proceeding is brought with no legitimate purpose that the state interest in correcting its own mistakes dissipates, and along with it, the compelling need for federal deference." See *Diamond "D"*, 282 F.3d at 200,
3. In *Matter of Quarles and Butler* (158 U. S. 532), this Court held that it is the duty of the government to protect a private citizen in freely exercising his right to notify the enforcement authorities of violations of law. There is a civic duty as well as a right to inform and one who does so enters into a relationship of the government's "agent".
4. The Criminal Case, the Contempt Hearing, the Eviction case were all brought with no legitimate purpose, Respondents Hang Chen, Susana Chong Chen, Emily Hui Chen-Liang conspired with state officials in fabricating a criminal charge, and maliciously subjected Applicant to Order of Contempt and Eviction process. These are in retaliation for Applicant's good faith complaints of housing violations to 311,

5. Above Respondents conspired with all level State Officials, their broad plan of harassment leveled against Applicant is unprecedented. If the federal court still insists abstention, then their tactics of fabricating criminal charges and initiating cases in bad faith would be tolerated with impunity. Applicant's federally-protected rights would for all purposes be meaningless if such threat would coerce Applicant into a submissive silence.

6. As a matter of statutory construction and for reasons of public policy, especially in light of the unusual fact situation presented here, which is indeed a mess and tragedy, ~~Injunction~~ is warranted, at least to preserve the status quo pending this Court's selection of Applicant's Petition for Writ of Certiorari.

CONCLUSION

This Court should issue *injunction*.

Feifei Gu

2526 85st, Brooklyn, NY 11214

shelbieferrari0915@gmail.com

8/15/25

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Feifei Gu — PETITIONER
(Your Name)

VS.

State of NY, Kathy Hochul,
Michael Sher, Steven Vitelli, — RESPONDENT(S)
hang chen, Emily Hui Chen-Liang,
Susana Chong Chen

PROOF OF SERVICE

I, Yu Hin Chan, do swear or declare that on this date,
Aug 26, 2025, as required by Supreme Court Rule 29 I have
served the enclosed Emergency Application for Injunction

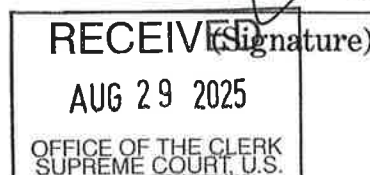
on each party to the above proceeding
or that party's counsel, and on every other person required to be served, by depositing
an envelope containing the above documents in the United States mail properly addressed
to each of them and with first-class postage prepaid, or by delivery to a third-party
commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Steven Vitelli, Michael Sher: 1925 Bath Ave, Brooklyn, NY 11214
State of NY, Kathy Hochul: Barbara Underwood 28 Liberty St, NY, NY 10005
hang chen, Emily Hui Chen-Liang, Susana Chong Chen: 1484 86th St, Brooklyn, NY 11228

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

Executed on Aug 26, 2025



Appendix A

SUPREME COURT OF THE STATE OF NEW
YORK COUNTY OF KINGS: IAS PART 6

-----X
252685 St LLC, Hang Chen, Emily Hui Chen-Liang,

Index No.: 505280/2024

Plaintiffs,

DECISION AND ORDER

-against-

Hon. Joy F. Campanelli, J.S.C.

Feifei Gu and Yu Hin Chan

Defendants.

-----X

On December 5, 2024, Plaintiffs moved by Order to Show Cause, seq. no. 8, to hold Defendants in contempt of court for alleged violations of this Court's Order, dated May 10, 2024, and to permanently enjoin them from filing any actions against plaintiffs, and their agents and employees, without a certification of merit from an attorney. A hearing was held on February 26, 2025, and concluded on April 2, 2025. The Court's decision as to the permanent injunction only is outlined below and is separate and distinct from the Court's forthcoming decision on Defendants' civil contempt.

Although, "[p]ublic policy generally mandates free access to the courts[.]" where there is a record of abuse of the judicial process through vexatious litigation, the Supreme Court can enjoin parties from commencing further litigation without the permission of the court. *Deshpande v. Medisys Health Network, Inc.*, 70 A.D.3d 760, 763, 896 N.Y.S.2d 103, 106 (2010). The right of an unrepresented litigant to access the courts is not absolute. *Spremo v. Babchik*, 155 Misc. 2d 796, 803, 589 N.Y.S.2d 1019, 1024 (Sup. Ct. 1992), *aff'd as modified*, 216 A.D.2d 382, 628 N.Y.S.2d 167 (1995). "The fact that one appears pro se is not a license to abuse the process of the Court and to use it without restraint as a weapon of harassment[.]" *Kane v. City of New York*, 468 F. Supp. 586, 592 (S.D.N.Y.), *aff'd*, 614 F.2d 1288 (2d Cir. 1979). Furthermore, a litigant "pressing a frivolous claim can be extremely costly to the defendant and can waste an inordinate amount of court time.... Thus, when... a litigant is abusing the judicial process by

hagriding individuals solely out of ill will or spite, equity may enjoin such vexatious litigation.”

Sassower v. Signorelli, 99 A.D.2d 358, 359, 472 N.Y.S.2d 702, 704 (1984).

In *Spremo v. Babchik*, 155 Misc. 2d 796, 803, 589 N.Y.S.2d 1019, 1024 (Sup. Ct. 1992), *aff’d as modified*, 216 A.D.2d 382, 628 N.Y.S.2d 167 (1995), an IAS Judge issued a statewide injunction prohibiting Plaintiff from instituting *any* action in the Unified Court System in the State of New York. The injunction in this case was necessitated by the Plaintiff’s “baseless, frivolous, redundant lawsuits against lawyers, law guardians, Appellate Division Justices, Supreme Court Justices, Family Court Judges, assistant attorneys general, law secretaries, court personnel and any other individual or entity who might have gotten in the way of the plaintiff or who might have in any way displeased him.” *Id* at 796–97. This injunction on appeal was affirmed and modified to prohibit Plaintiff from instituting any action in the Unified Court System in the state without prior approval of the administrative judge of the court in which they seek to initiate an action.

The record is similarly clear that Defendants Feifei Gu and Yu Hin Chan have abused the Unified Court system of the State of New York. As evinced by Plaintiff’s exhibits and a review of the Court’s docket, it is clear Defendants Gu and Chan have filed frivolous and repetitive, lawsuits against the Plaintiffs in an attempt to harass, intimidate, and publicly embarrass them. Plaintiffs are not the only parties impacted by Defendants actions. Collectively, Defendants have initiated numerous, similarly frivolous, lawsuits against anyone who crosses their path, including other tenants in their building, lawyers, court staff, assistant attorneys general, as well as federal and state judges. A non-exhaustive review of the court docket reveals Defendant Gu has filed over twenty actions in the last three years in New York Supreme Court Civil Term alone and Defendant Chan has filed at least ten actions across state and federal court in that time.

Defendants Gu and Chan have filed vexatious actions across housing court, civil court, supreme court, and federal court. It is of note that on January 8, 2024, Judge Knipel issued an Administrative Order enjoining Defendant Feifei Gu from instituting any new court actions with poor person applications or making any new filings unless accompanied by a certificate of merit from an attorney due to her history of repetitive filings. It is also worth noting that by Memorandum and Order, dated April 1, 2025, United States District Judge Komites issued an injunction preventing Feifei Gu from filing any new action in the United States District Court for the Eastern District of New York without leave of Court for her vexatious filings in federal court. Though Defendant Chan has his own history of commencing vexatious and repetitive court filings across state and federal courts, no court has previously enjoined him from commencing actions or making filings without an attorney affirmation of merit or leave of court.

At the contempt hearing, Plaintiffs demonstrated the damaging financial and emotional effects of Defendants abuse of the judicial system. It is evident that a more comprehensive injunction is needed to prevent Defendants from using the courts as a tool of harassment and intimidation.

Accordingly, it is ordered that Defendants Feifei Gu and Yu Hin Chan are henceforth hereby enjoined and prohibited from instituting any further actions and proceedings in any court in the Unified Court System in the State of New York, without prior approval of the Administrative Judge of the court in which they seek to institute an action or proceeding. This injunction includes the courts in all of the counties of this state and includes the Civil Court and Housing Court. Any violation of this order will result in service upon Feifei Gu, and or Yu Hin Chan, of an order to show cause issued by the Court for them to show cause why they should not

be adjudicated and punished for Criminal Contempt. If so adjudicated, the court will consider the maximum penalty provided by law.

Nothing herein shall be construed to prohibit Defendants from filing an appeal of this Order.

This constitutes the decision and order of the Court.

DATED: April 15, 2025
Brooklyn, New York


Hon. Joy F. Campanelli, J.S.C.

Hon. Joy F. Campanelli, J.S.C.

Appendix B

SUPREME COURT OF THE STATE OF NEW
YORK COUNTY OF KINGS: IAS PART 6-----X
252685 St LLC, Hang Chen, Emily Hui Chen-Liang,

Plaintiffs,

Index No.: 505280/2024

-against-

DECISION AND ORDER

Feifei Gu and Yu Hin Chan

Hon. Joy F. Campanelli, J.S.C.

Defendants.
-----X

On December 5, 2024, Plaintiffs moved by Order to Show Cause, seq. no. 8, to hold Defendants in contempt of court for alleged violations of this Court's Order, dated May 10, 2024, and for the issuance of a filing injunction against Defendants. A contempt hearing was held over three days, beginning on February 26, 2025, and concluded on April 2, 2025. At the request of Defendant Gu, the contempt hearing was reopened, by Court Order dated May 6, 2025, for the limited purpose of considering new evidence obtained by Plaintiff. On June 25, 2025, Plaintiffs introduced new evidence obtained from Yahoo, Inc. All parties were heard regarding its relevance to Defendants alleged civil contempt of court.

Civil contempt seeks vindication for individuals harmed by a contemnor's failure to obey court directives. Civil contempt penalties are imposed to compensate injured private parties or to compel compliance with court mandates, not to punish. *Dep't of Hous. Pres. & Dev. of City of New York v. Deka Realty Corp.*, 208 A.D.2d 37, 42, 620 N.Y.S.2d 837, 840 (1995). Pursuant to Judiciary Law § 773, where actual loss or injury has not been shown or is incapable of being established, a \$250 fine may be imposed in addition to the aggrieved party's costs and expenses. An application to penalize a party for civil contempt is addressed to the sound discretion of the court. *Pierot v. Marom*, 172 A.D.3d 930, 931, 101 N.Y.S.3d 159, 161 (2019). By clear and convincing evidence, the moving party must establish that the purported contemnor violated a clear and unequivocal mandate of the court, with knowledge of the court order, resulting in prejudice to the movant's rights. *El-Dehdan v. El-Dehdan*, 26 N.Y.3d 19, 29, 41 N.E.3d 340, 346 (2015).

Plaintiffs allege that Defendants had email communications with certain Re/Max employees in violation of the Court's May 10, 2024 Order which "enjoined [Defendants] from contacting Re/Max for the purposes of discussing or reporting Plaintiffs' actions or inactions[.]"

As an initial matter, there is no genuine dispute that Plaintiffs established, by clear and convincing evidence: (1) the existence of the May 10, 2024 Order, (2) the Court's clear and unequivocal mandate enjoining Defendants from contacting Re/Max for the purposes of discussing Plaintiffs, and (3) Defendants' knowledge of the Order. The May 10, 2024 Order was filed on May 28, 2024. Plaintiffs served notice of entry of the Order on Defendants the same day. Defendant Gu appealed the Order on June 21, 2024, and her appeal was denied on January 10, 2025. *Pls. ' Ex. 3-6.*

With regards to Defendants alleged violations of the May 10, 2024 Order, Plaintiff Emily Chen-Liang testified that many colleagues at Re/Max received several emails from a yahoo.com email account, "yoyochan6683@yahoo.com," regarding allegations of Plaintiffs' supposed criminality in their dealings with Defendants. On multiple occasions, these emails were forwarded to Plaintiff Chen-Liang.

One such email, dated July 17, 2024, contained the subject line "REMAX REAL ESTATE PROFESSIONALS AGENTS HANG CHEN, SUSANA CHONG CHEN, EMILY HUI CHEN-LIANG-BIGGEST LIARS EVER[.]" This email reads:

"Dear NY Senators, Members of Assembly, real estate agents of NYC, REMAX Leaders, REMAX Real Estate Professionals agents Hang Chen, Susana Chong Chen, Emily Hui Chen-Liang and Yu Ying Wu from Xiaoguo Group Inc made fake reports to police and provided forged and falsified evidence, causing Feifei Gu wrongly arrested and this fake case is still hanging in Criminal Court, however, these four person were at large... Today, REMAX still have these three agents working, three criminals-to-be, they falsified records and made false complaint, they are threats to the society and the biggest liars! I request the Senate and Assembly for further investigation on RE/MAX's policy and to revoke these persons' license for their inhuman behaviors! If they still keep blind eye, more lawsuits are coming..." *Pls. ' Ex. 22.*

Attached to this unsigned email are documents Defendant Gu filed in federal proceedings against Plaintiffs.

This email was sent to 119 email accounts, many of which are affiliated with Re/Max.

Another yoyochan6683@yahoo.com email, sent on July 16, 2024 to Re/Max employees, accused Plaintiffs of making a false police report, forging evidence in Defendant Gu's criminal case, and conspiring with the District Attorney's Office. *Pls. ' Ex. 25*. This unsigned email is addressed to "US senators, Judges of NY, and RE/Max real estate leaders" and urges the Senate to investigate Re/Max for their continued employment of Plaintiffs. It also contains eight attachments, including a Complaint filed in the Southern District of New York by Defendant Gu against Re/Max, as well as Plaintiffs' Re/Max business cards, contact information and photographs.

Plaintiff Chen-Liang testified to receiving another unsigned email, forwarded to her by a Re/Max colleague, sent from a "fg1011@nyu.edu" email address on November 4, 2024. This email includes the subject line "505280/2024" which is the index number for the case at bar. This email attaches a pdf of a motion filed by Defendant Gu. *Pls. ' Ex. 23*. It is of note that the "fg1011@nyu.edu" email account is the registered email account for Defendant Gu on NYSCEF.

In opposition, Defendants argued that the July 16, 2024, July 17, 2024, and November 4, 2024 email contacts with Re/Max do not evince a violation of the Court's May 10, 2024 Order because Plaintiffs have not proven that Defendants sent these unsigned emails. It is highly probable, if not certain, that Defendant Gu sent the November 4, 2024 email to Athanasia DiMaggio, a Re/Max licensed broker/owner. This email, *Pls. ' Ex. 23*, was sent from fg1011@nyu.edu, Defendant Gu's registered email in NYSCEF. Defendant Gu offered no testimony, nor introduced any evidence to refute Plaintiffs' contention that she sent this email using her own account.

In support of their Order to Show Cause for civil contempt, Plaintiffs also introduced the Declaration of Dana Phan, a Custodian of Records for Yahoo Inc., as well as account data for yoyochan6683@yahoo.com. According to the business record provided, the phone number associated with and used to create the

yoyochan6683@yahoo.com account matches Defendant Gu's registered phone number on NYSCEF. It is the same phone number she has used in various court filings as well.

In response to this evidence, Defendant Gu postulates that anyone could have created the yoyochan6683@yahoo.com email account using her phone number. Defendant Gu's speculation as to the anonymous identify behind this email account strains credulity. There are obvious similarities in content, style and tone between the July 16, 2024, and July 17, 2024 emails and Defendant Gu's court filings. Additionally, as Plaintiff testified, certain police body camera footage, attached to the July 16, 2024 email, was likely only available to the police and Defendants. The totality of the circumstantial evidence and the records obtained from Yahoo, Inc. make it highly probable that Defendant Gu used the yoyochan668@yahoo.com email address to contact Re/Max to report on her active litigation involving Plaintiffs and to air her perceived grievances.

Plaintiffs have demonstrated by clear and convincing evidence that Defendant Gu had knowledge of and violated this Court's May 10, 2024 Order by emailing Re/Max agents and employees regarding the Plaintiffs in this matter on at least three occasions, July 16, 2024, July 17, 2024, and November 4, 2024.

To demonstrate the prejudice necessary to hold an individual in civil contempt, "it is sufficient to allege and prove that the contemnor's actions were calculated to or actually did defeat, impair, impede, or prejudice the rights or remedies of a party[.]" *Astrada v. Archer*, 71 A.D.3d 803, 806-07, 898 N.Y.S.2d 149, 152 (2010). This Court's May 10, 2024 Order enjoined Defendants from contacting Re/Max for the purposes of discussing or reporting Plaintiffs' actions or inactions. As articulated in Plaintiffs' support for Order to Show Cause, seq. no. 1, Plaintiffs sought this injunctive relief due to Defendants pattern of harassment towards anyone connected to Plaintiffs, including their employer, Re/Max. Prior to the May 10, 2024 Order, Defendants made harassing phone calls to Re/Max employees, in which they accused Plaintiffs of breaking the law, and threatened to sue Re/Max and any agents who work with Plaintiffs.

The testimony of Plaintiff Chen-Liang demonstrates clear prejudice to the Plaintiffs. Defendant Gu's email contacts with Re/Max employees, in violation of the May 10, 2024 Order, were calculated to harm Plaintiffs personally and professionally. Ms. Chen-Liang testified to the reputational damage caused by

Defendant Gu's conduct as well as the resulting physical and emotional damage she suffered. Plainly, Defendant Gu utilized the yoyochan668@yahoo.com email account in a brazen attempt to evade a court order, with the goal of continuing the same harassment campaign she waged prior to the May 10, 2024 injunction.

Plaintiffs have established by clear and convincing evidence that Defendant Gu had knowledge of the May 10, 2024 Order preventing her from contacting Re/Max regarding the Plaintiffs in this case. Plaintiffs further established that Defendant Gu violated the May 10, 2024 Order by emailing Re/Max employees on at least three occasions and these violations have prejudiced the Plaintiffs' rights. The Plaintiffs did not establish by clear and convincing evidence that Defendant Chan violated the May 10, 2024 Order.

Plaintiffs seek damages for each violation of the May 10, 2024 Order and attorneys' fees. Plaintiffs provided their attorney's hourly retainer agreement for purposes of this action. Counsel Salem charges \$400 per hour. For his work with regards to Defendant's civil contempt, from August 2024 to April 2, 2025, Counsel Salem billed \$28,365.

Accordingly, it is

ORDERED Plaintiff's Order to Show Cause, seq. no. 10 is GRANTED to the extent that the Court holds Defendant Feifei Gu in civil contempt of court for three violations of a lawful court order, occurring on July 16, 2024, July 17, 2024, and November 4, 2024. Defendant Gu is ordered to pay two hundred and fifty dollar (\$250) per violation, totaling seven hundred and fifty dollars (\$750), as well as costs, expenses and attorneys fees in the amount of twenty-eight thousand three hundred and sixty-five dollars (\$28,365.00) to Plaintiffs within sixty (60) days from the date of Notice of Entry. If Defendant Fei Fei Gu fails to remit payment, Plaintiffs may, without further application, file a proposed judgment with the Court. Any further application by the Plaintiff on this order shall be made by motion or Order to Show Cause. Plaintiffs shall serve a copy of this Order with Notice of Entry on all parties within thirty (30) days of entry.

This constitutes the decision and order of the Court.

DATED: July 28, 2025
Brooklyn, New York


Hon. Joy F. Campanelli, J.S.C.

Appendix C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x
FEIFEI GU,

Plaintiff,

MEMORANDUM & ORDER
24-cv-5113 (EK) (LB)

-against-

HANG CHEN; CHAT MUI CHAN; UNITED
STATES OF AMERICA; RE/MAX REAL ESTATE
PROFESSIONALS,

Defendants.

-----x
-----x
FEIFEI GU,

Plaintiff,

MEMORANDUM & ORDER
24-cv-5179 (EK) (LB)

-against-

ADA VINCENT JAMES DIDONATO, III;
UNITED STATES OF AMERICA,

Defendants.

-----x
-----x
FEIFEI GU,

Plaintiff,

MEMORANDUM & ORDER
24-cv-4756 (EK) (LB)

-against-

HANG CHEN; EMILY HUI CHEN-LIANG;
SUSANA CHONG CHEN; HUI CHEN;
252685 ST LLC; YU YING WU; THE LLC

D/B/A XIAO GUO GROUP INC.;
ATHANASIA DIMAGGIO; CHAT MUI CHAN;
HUGO SALAZAR; RE/MAX REAL ESTATE
PROFESSIONALS; AMY LESSINGER; RE/MAX,
LLC; ERIK CARLSON; RE/MAX HOLDINGS;
VINCENT JAMES DIDONATO, III; ADA JOHN
DOES (1-2); ADA JANE DOE; LAWRENCE
LUSHER; ERIC GONZALEZ; NANCY HOPPACK;
NICOLE CHAVIS; JOSEPH P. ALEXIS;
RICHARD BOYENS; JANET GLEESON; DAVID
KLESTZICK; PATRICIA MCNEILL; FRAN
WEINER; JOSEB GIM; KIN W. NG; LETITIA
JAMES,

Defendants.

-----x
-----x

FEIFEI GU,

Plaintiff,

MEMORANDUM & ORDER
24-cv-8444 (EK) (LB)

-against-

MARK SALEM; JOY F. CAMPANELLI; ROVENA
BEQIRI; JOSEPH CADMAN; WENDY CIDSCO;
JANE DOE OF KINGS COUNTY SUPREME
COURT EX PARTE PART; STATE OF NEW
YORK,

Defendants.

-----x

ERIC R. KOMITEE, United States District Judge:

Filing Injunction

Plaintiff Feifei Gu has now filed a number of
frivolous lawsuits in this district. In 2023, Gu filed two
actions related to a landlord-tenant proceeding, which the Court

dismissed. Then, in 2024, Gu filed six duplicative actions related to her arrest for criminal mischief. In each action, she has proceeded *pro se*. For the following reasons, the Court imposes a filing injunction against Gu, restricting the filing of new cases without leave of Court.

I. **Background**

Each of plaintiff's eight suits in this Court is duplicative of at least one other action.

In 2023, Gu filed two suits related to a landlord-tenant proceeding in Kings County Housing Court. She sued the petitioner-landlord and the judge presiding over that state court matter. The Court consolidated these cases and dismissed both pursuant to 28 U.S.C. § 1915. The Second Circuit dismissed plaintiff's appeal, and the Supreme Court denied certiorari. *See Gu v. Zeng*, No. 23-cv-4168, 2023 WL 4138519 (E.D.N.Y. June 22, 2023), *appeal dismissed sub nom. Gu v. Jimenez*, No. 23-1038, 2023 WL 9231563 (2d Cir. Nov. 22, 2023), *cert. denied*, 144 S. Ct. 1396 (2024).

In 2024, the volume of duplicative actions increased. She initiated six suits related to her January 2024 arrest for criminal mischief, following allegations that she damaged her

landlord's property, and her subsequent prosecution for that offense.

Plaintiff filed her first three 2024 cases, *Gu v. Chen*, No. 24-cv-5113; *Gu v. Didonato*, No. 24-cv-5179; and *Gu v. Chen*, No. 24-cv-4756, in the Southern District of New York. That court transferred the cases to this district in June and July 2024. See ECF No. 5 (on each docket).

In September 2024, Gu filed an additional case in this district related to her criminal mischief arrest, *Gu v. Sher*. Because plaintiff sought a temporary restraining order in *Sher*, this Court turned to it first, denying the TRO application and dismissing the case in its entirety. See *Gu v. Sher*, No. 24-CV-6157, 2024 WL 4252034 (E.D.N.Y. Sept. 20, 2024) [hereinafter Sept. Mem. & Order]. As *Sher* was plaintiff's fourth action related to the same events, the Court warned Gu that "the future filing of repetitive, vexatious, and frivolous litigation may result in the imposition of a[] [filing] injunction" *Id.* at *5.

Undeterred by *Sher*'s dismissal or this Court's warning, Gu filed an additional suit in the Northern District of New York, *Gu v. Salem*. That case, too, was transferred to this district. See Docket No. 24-cv-7933. Gu stipulated to dismiss

that action (without prejudice) in December 2024. See ECF Nos. 12-13. However, Gu then filed yet another action in this district in December 2024, also captioned *Gu v. Salem*, No. 24-cv-8444. In the later-filed *Salem* case, plaintiff paid the Court's filing fee.

By Memorandum & Order dated February 27, 2025, the Court dismissed Gu's four surviving cases related to her criminal mischief arrest, which were consolidated only for the purpose of that order. See *Gu v. Chen*, No. 24-CV-4756, 2025 WL 638424 (E.D.N.Y. Feb. 27, 2025) [hereinafter "Feb. Mem. & Order"].¹ Plaintiff's claims against certain defendants were dismissed for lack of subject matter jurisdiction. See *id.* at 10. The Court dismissed her other claims with prejudice – for failure to state a claim, as frivolous, or because plaintiff had already attempted unsuccessfully to plead related claims. See *id.*

The February 2025 Order detailed plaintiff's extensive litigation history in the United States District Courts for the Eastern and Southern Districts of New York, and repeated the Court's prior warning that the Court was considering a filing injunction. See Feb. Mem. & Order *9-10. The Court directed

¹ The four cases are *Gu v. Chen*, No. 24-cv-5113; *Gu v. Didonato*, No. 24-cv-5179; *Gu v. Chen*, No. 24-cv-4756; and *Gu v. Salem*, No. 24-cv-8444,

plaintiff to show cause by March 17, 2025, why she should not be enjoined from bringing future proceedings in this district without leave of Court. *Id.* at *10.

Plaintiff did not respond to this Court's directive to show cause. However, on March 21, 2025, she filed identical Notices of Appeal for each case dismissed in the February 2025 Order. Those notices purported to concern "the decision which dismissed the Complaints and restrained plaintiff from filing in EDNY." See, e.g., *Gu v. Salem*, No. 24-cv-8444, ECF No. 14. As of that date, however, the Court had not imposed a filing injunction. Thus, her "notice of appeal was premature, and therefore, was a nullity" as to the injunction. *United States v. Rodgers*, 101 F.3d 247, 252 (2d Cir. 1996). Consequently, Gu's "notice of appeal did not divest the district court of jurisdiction" *Id.*; see also *Tancredi v. Metro. Life Ins. Co.*, 378 F.3d 220, 225 (2d Cir. 2004) (holding that "notwithstanding a pending appeal, a district court retains residual jurisdiction over collateral matters," including the imposition of sanctions).

II. Discussion

"A district court may, in its discretion, impose sanctions against litigants who abuse the judicial process."

Shafii v. British Airways, PLC, 83 F.3d 566, 571 (2d Cir. 1996).²

"[I]n determining whether or not to restrict a litigant's future access to the courts" through a filing injunction, Courts consider the following factors:

(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.

Safir v. U.S. Lines, Inc., 792 F.2d 19, 24 (2d Cir. 1986).

"Ultimately, the question the court must answer is whether a litigant who has a history of vexatious litigation is likely to continue to abuse the judicial process and harass other parties." *Id.* The balance of factors weighs in favor of a filing injunction against Gu.³

The first *Safir* factor looks to a plaintiff's litigation history. "There is not . . . a strict

² Unless otherwise noted, when quoting judicial decisions this order accepts all alterations and omits all citations, footnotes, and internal quotation marks.

³ Plaintiff's payment of the filing fee in *Gu v. Salem*, No. 24-cv-8444, does not prevent the Court from imposing a filing injunction. The Court may dismiss an action *sua sponte* even if the plaintiff has paid the filing fee and may enter filing injunctions against any plaintiffs who abuse the judicial process. See Feb. Mem. & Order *2, *9-10.

numerosity requirement that must be met before a district court may exercise its discretion to enjoin a litigant from filing future actions. Rather, the Court must consider the record as a whole and the likelihood that the litigant will continue to abuse the judicial process." *Eliahu v. Jewish Agency for Israel*, 919 F.3d 709, 714 (2d Cir. 2019). Gu now has a substantial record of filing duplicative and meritless lawsuits. In 2023, the Court dismissed Gu's two lawsuits related to a landlord-tenant proceeding. See *Zeng*, 2023 WL 4138519 at *1 (consolidating two cases, denying a TRO application in each case, and dismissing plaintiff's claims). In 2024, she filed six additional lawsuits stemming from her arrest for criminal mischief. The Court addressed these cases in the September 2024 and February 2025 orders discussed above.⁴

This is a sufficiently large number of frivolous actions to weigh in favor of a filing injunction, especially given her decision to ignore two warnings. Even after the Court warned her in September 2024 that future vexatious filings on the same subject would result in the imposition of a filing injunction, she filed two additional

⁴ As noted above, Gu voluntarily dismissed one of the actions. See *Gu v. Salem*, No. 24-cv-7933, ECF Nos. 12-13.

duplicative suits - one in the Northern District of New York (transferred here), and one originating in this district. See *Gu v. Salem*, No. 24-cv-7933; *Gu v. Salem*, No. 24-cv-8444. See, e.g., *Tooker v. Quest Ventures, Ltd.*, No. 2:21-CV-01290, 2024 WL 127966, at *2 (E.D.N.Y. Jan. 11, 2024) (plaintiff's six appeals from one underlying bankruptcy action and one related action warranted filing injunction).

The second factor addresses whether a plaintiff has a good-faith basis for believing her claims will be successful. Gu cannot have such a belief. The Court has dismissed all of her actions as meritless. Moreover, she has failed to accept this Court's decisions. As discussed above, even after the Court dismissed *Sher*, Gu filed two additional actions pleading similar facts and asserting similar claims. See *Gu v. Salem*, No. 24-cv-7933; *Gu v. Salem*, No. 24-cv-8444. There was no apparent reason for her to believe these cases would result in a different outcome. See *Iwachiw v. New York State Dep't of Motor Vehicles*, 396 F.3d 525, 529 (2d Cir. 2005) (upholding filing injunction because plaintiff had little basis to believe he would prevail, after similar actions had been

dismissed); *Tooker*, 2024 WL 127966, at *3 (“Because this Court has already rejected [plaintiff’s] arguments, she cannot have an objective good faith expectation of prevailing on them in this Court or at the Second Circuit.”).

The third factor inquires whether plaintiff is represented by counsel. Gu is proceeding *pro se*. Though the Second Circuit has “recognized that *pro se* litigants, in many cases, are entitled to special solicitude,” the Circuit has “not altogether excused frivolous or vexatious filings by *pro se* litigants.” *Eliahu*, 919 F.3d at 715; see also *Niles v. Wilshire Inv. Grp., LLC*, 859 F. Supp. 2d 308, 342–43 (E.D.N.Y. 2012) (“[A] court’s authority to enjoin vexatious litigation extends equally over *pro se* litigants and those represented by counsel”). In the February 2025 order, the Court dismissed Gu’s claims as frivolous because they pursued “indisputably baseless legal theor[ies].” Feb. Mem. & Order *2, *10 (quoting *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998)). Her other actions in this Court were similarly meritless. Thus, Gu’s *pro se* status does not counsel strongly against the imposition of a filing injunction.

The fourth *Safir* factor addresses whether a plaintiff has "posed an unnecessary burden on the courts." 792 F.2d at 24. The Court has spent significant time addressing her duplicative, non-meritorious cases, writing multiple orders addressing her claims. See generally Feb. Mem. & Order; Sept. Mem. & Order; *Zeng*, 2023 WL 4138519. Moreover, Gu's actions have posed an unnecessary burden on the public. Gu has "injured all litigants with cases pending in the district court (or who have decided to forgo meritorious claims because of the likely delay) . . . by diverting considerable judicial resources to h[er] voluminous litigation." *In re Martin-Trigona*, 737 F.2d 1254, 1261 (2d Cir. 1984). She has repeatedly sued defendants who are immune, improperly asked the Court to intervene in her state court actions, and sued private (that is, non-state actor) defendants pursuant to 42 U.S.C. § 1983, among other meritless legal theories. See, e.g., *Chen*, 2025 WL 638424 at *3-9.

The final factor inquires whether other sanctions would be adequate. And based on the filing history here, it is improbable other sanctions would be effective. As discussed above, Gu failed to heed warnings that further

filings would result in an injunction. See *Schuster v. Charter Commc'ns, Inc.*, No. 18-CV-1826, 2021 WL 1317370, at *10 (S.D.N.Y. Apr. 8, 2021) (no other sanction would be adequate where, "despite clear notice that [plaintiff's] lawsuit might be dismissed and that a filing injunction might be imposed" plaintiff failed to comply with court directives).

Thus, the balance of *Safir* factors counsels in favor of a filing injunction. It is likely that Gu will continue to file frivolous litigation in this district.

III. Injunction

Accordingly, Feifei Gu is ENJOINED from filing any new action (whether fee-paid or *in forma pauperis*) in the United States District Court for the Eastern District of New York without first obtaining permission from the Court, as outlined in the February 2025 Order.

To eliminate the need to write a decision any time plaintiff makes a frivolous filing (as that would largely defeat the purpose of the injunction), the injunction shall be implemented as follows:

(1) The Clerk of Court is respectfully directed to open a miscellaneous case titled "In re Feifei Gu" and file a copy of this Order under that miscellaneous docket number.

(2) Any new action by Feifei Gu shall be filed under the miscellaneous docket number.

(3) The Court will review the filing and if it determines that the proposed complaint should not proceed, no further action will be taken.

(4) If the Court determines that the proposed complaint should proceed, the Court will grant permission to file and direct the Clerk of Court to open a new civil matter in which the complaint and leave application will be filed and Feifei Gu will be notified by the Clerk of Court to pay the filing fee or request *in forma pauperis* status.

IV. Conclusion

Nothing herein shall be construed to prohibit plaintiff from filing an appeal of this Order. Although plaintiff paid the filing fee to commence one of her actions, *Gu v. Salem*, she proceeded *in forma pauperis* in others. Thus, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of

an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962). The Clerk of Court is respectfully directed to mail a copy of this Order to plaintiff and to note the mailing on the docket.

SO ORDERED.

/s/
ERIC R. KOMITEE
United States District Judge

Dated: April 1, 2025
Brooklyn, New York

Appendix D

THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

24-cv-6157-EK-LB

x

Feifei Gu

Plaintiff,

JURY TRIAL DEMANDED

-against-

Police Officer Michael Sher, Police Officer Steven

Complaint

Vitelli, NYS Governor Kathy Hochu, State of New York,

Hang Chen, Emily Hui Chen Liang, Susana Chong Chen,

Defendants

x

Plaintiff Feifei Gu sworn under penalty of perjury and alleges as follows:

PARTIES

1. Plaintiff Feifei Gu is the Defendant in CR-001793-24/KN, *People v. Feifei Gu*, which is still pending in Kings County Criminal Court,
2. Steven Vitelli and Michael Sher are arresting officers of above criminal case, ¹
3. Hang Chen, Emily Hui Chen-Liang, Susana Chong Chen reported above incident to NYPD, ²

¹ See Body Camera Footage of Michael Sher:

<https://youtu.be/DVh91XxzmYY?si=uBCMdqtmIE8XSCE7>

²Body Camera Footage of Daniel Siani:

https://youtu.be/52Wtk5hm_W8?si=BArTtBsmvcTcAxel

Body Camera Footage of Joseph Robinson:

<https://youtu.be/NOjIberXgKE?si=0KIL7XJRykHWNax7>

JURISDICTION AND VENUE

1. Jurisdiction is conferred upon this Court under 28 U.S.C. §§ 1331 and 28 U.S.C. §§ 1343, as this action seeks redress for the violation of Plaintiff's constitutional and civil rights,

2. Venue is proper in the Eastern District of New York under 28 U.S.C. § 1391(b) as Plaintiff's claims arose within this District,

BACKGROUND

I. ARREST

- 1. On 01/01/24 evening, Susana Chong Chen, Emily Hui Chen-Liang, and Hang Chen called 911, claiming Plaintiff damaged a security camera; PO Daniel Siani and Joseph Robinson responded on 01/02/24 midnight,**
- 2. On 01/12/24, Plaintiff found a card of Detective Muir (see Exhibit A) in the mailbox, Plaintiff then called Detective Oliver Muir, who stated that Plaintiff either turned herself in on Monday (01/15/24) or he would come to arrest Plaintiff, despite that Plaintiff claimed she had proof she never damaged the camera, he refused to look at the evidence,**
- 3. Later, Plaintiff called 911 reporting Hang Chen's fake 911 report and Olivier Muir's threat of arrest; PO Steven Vitelli and Michael Sher responded,**
- 4. Steven Vitelli and Michael Sher then arrested Plaintiff at her residence, without a warrant, then detained Plaintiff for 25 hours,**
- 5. Referring to Superseding information (see Exhibit B), Plaintiff was charged with PL 145.00 (1), a Class A Misdemeanor, punishable for up to 1 Year in prison,**

II. CATCH-AND-KILL: SILENCE THE TRUTH

1. To Silence Plaintiff, Hang Chen, Emily Hui Chen-Liang, Susana Chong conspired with the State and issued Order (see Exhibit C) in 505280/2024, 252685 *ST LLC, HANG CHEN, EMILY HUI CHEN-LIANG v. Feifei Gu, Yu Hin Chan*, in Kings Supreme Court on 05/28/24, judge Joy F. Campanelli

“ORDERED that Defendants are enjoined from publicly posting any remarks, or reviews about the plaintiffs, their employer Re/Max, Susana Chan Chong and Plaintiff’s attorney Mark Salem, Esq. and Mark Salem Law, P.C. and it is further

ORDERED that Defendants must remove any remarks or reviews about the Plaintiffs, their employer Re/Max and Plaintiffs’ attorney, Mark Salem, Esq. and Mark Salem Law, P.C.; and it is further

ORDERED that Defendants are enjoined from contacting Re/Max for the purposes of discussing or reporting Plaintiffs’ actions or inactions,”

2. On 08/28/24, Kings Supreme Court judge Cenceria P. Edwards issued a TRO (Exhibit D) pending Hang Chen and Emily Hui Chen-Liang’s Order to Show Cause for Contempt of Court against Plaintiff,

Ordered “Defendants are enjoined from filing any actions against plaintiffs, their agents, employees or contractors, their counsel or their employer, Re/Max, without an attorneys Certificate of Merit of an attorney who has reviewed the proposed order requiring the Certificate of Merit and the filing.”

FIRST CAUSE OF ACTION

VIOLATION OF FOURTH AMENDMENT RIGHTS

against State of NY, NY Governor Kathy Hochu, Police Officer Michael Sher,

Police Officer Steven Vitelli

Referring to Complaint signed by Steven Vitelli (Exhibit E):

“On or about December 31, 2023 at approximately 02:20 AM at 2526 85 street...

The Deponent is informed by Hang Chen that, at the above time and place, the informant observed, via video surveillance, the defendant using a stick strike and damage two surveillance cameras with valued at \$250 United States Currency.

The Deponent is further informed by informant that informant is the custodian of the above-described property and defendant did not have permission or authority to damage that property.”

1. However,

1) NO evidence shows the stick touched the camera,

2) NO evidence could prove Plaintiff damaged 2 cameras - in Superseding Information, ADA Vincent James Didonato III stated Plaintiff damaged 1 camera,

3) No evidence showing CAM 01(the target camera) is damaged - see screenshot of camera with clear picture - Exhibit F

4) NO evidence could prove cameras valued \$250 - in Superseing Info, ADA stated camera valued \$450,

5) Hang Chen is not the owner of the camera, see body camera footage of Joseph Robinson ³, 12:38-12:50:

“Joseph Robinson: So who owns the camera? It’s the old owners or the new owners, or you guys?”

Susana Chong Chen: The new owner, the owner that’s away,

Joseph Robinson: So the new owner that’s away, that’s his camera?

Susana Chong Chen: Yes

Joseph Robinson: So he is not here, the owner,

Susana Chong Chen: Yes

Joseph Robinson:OK”

2. In Michael Sher’s Body Camera footage⁴, 15:04 -15:21:

“because I wasn’t there, we are just going he said, she said, ..., you are going to come with us to the precinct for further verification, so we are going to the bottom of it.”

- Michael Sher hereby acknowledged that he did not have probable cause to arrest,

3. In document signed by Steven Vitelli, see Exhibit E - EX 11, he stated:

“Defendant stated in sum and substance ‘I never damaged the camera...I have proof...I was at home on December 31 and January 1st”

- Steven Vitelli hereby acknowledged that he did not have probable cause to arrest, as he also reviewed Plaintiff’s video proving innocence, but could not rebut Plaintiff’s innocence,

4. As Plaintiff was arrested without probable cause, above Defendants thus violated Plaintiff’s 4th Amendment Right.

³ <https://youtu.be/NOjIberXgKE?si=0KIL7XJRykHWNax7>

⁴ <https://youtu.be/DVh91XxzmYY?si=uBCMdqtmIE8XSCE7>

SECOND CAUSE OF ACTION

DECLARATORY JUDGMENT DECREERING PL 145.00 (1)

VOID PER THE EIGHTH AMENDMENT

1. Plaintiff is charged with PL 145.00 (1), a Class A Misdemeanor, with up to 1 Year in Prison, for destroying a security camera, see Superseding Information,
2. In this case, no weapons involved, no one was injured; Besides, there was also no proof that the camera was placed legally, as it was right above the door, which could listen to everything inside Plaintiff's house,
3. On Amazon, a security camera is only \$17.99, however, Hang Chen claimed the replaced camera was \$450,



4. The damage should not be based on the value of replacement: Give an example, if Person A hit Person B's third-hand car, and then Person B bought a 2024 Ferrari SF90, and reported to NYPD that he had to spend half a million for the damage, and Person B should be sent to jail for such damage, this is excessive and unusual!
5. As punishment is excessive, PL 145.00 (1) is unconstitutional for violation of Eighth Amendment Rights,

THIRD CAUSE OF ACTION

VIOLATION OF FIRST AMENDMENT RIGHTS

against State of NY, NY Governor Kathy Hochu

1. The two State Court Orders by Judge Joy F. Campanelli and Cenceria P. Edwards enjoined Plaintiff from posting reviews, contacting Re/Max, initiating Pro Se lawsuits, which is a clear violation of First Amendment Rights,

2. Plaintiff has the right to petition the government for relief, and has the right to post public reviews,

3. Besides, in 505280/2024 Complaint, it was stated:

“Upon information and belief, at all times relevant to this complaint, the Plaintiffs were not acting on behalf of Re/Max during any interaction with the Defendants, the Plaintiffs are not agents of Re/Max and Re/Max is not the owner or in any way affiliated with the Premises.”

However, in the Order, these two judges suddenly identified Re/Max as employers of Hang Chen, Emily Hui Chen-Liang, Susana Chong Chen, THIS WAS UNBELIEVABLE!!!

4. These Orders should thus be declared void for violation of Plaintiff's first amendment rights.

FOURTH CAUSE OF ACTION

CONSPIRACY TO VIOLATE PLAINTIFF'S FIRST AMENDMENT RIGHTS

against Hang Chen, Emily Hui Chen-Liang, Susana Chong Chen

- 1. In 505280/2024, above defendants failed to prove that Plaintiff posted a review against them, and failed to prove the review was not truthful,**
- 2. However, to silent Plaintiff, to silent Plaintiff from revealing their conspiracy to file a fake police report against Plaintiff, and to throw Plaintiff into jail, they conspired with the State court and issued such Order without any basis in law, and also filed a motion for punishment for Plaintiff's contempt of court, again with no evidence, and again to conspire with the State to throw plaintiff into jail,**
- 3. Hang Chen, Emily Hui Chen-Liang, Susana Chong Chen thus conspired to violate Plaintiff's first amendment rights.**

JURY DEMAND

Plaintiff Feifei Gu hereby demands a trial by jury on all issue

WHEREFORE, Plaintiff demands judgment:

- 1) Declaring PL 145.00 (1) unconstitutional in violation of the Eighth Amendment,**
- 2) Declaring two State Orders unconstitutional in violation of the First Amendment,**
- 3) Staying the Execution of two State Orders,**
- 4) Staying the Prosecution of CR-001793-24/KN for violation of Fourth Amendment,**
- 5) Awarding Plaintiff compensation of \$1 Billion against each Defendant,**
- 6) Such and further relief as this Court deems just and proper.**

Feifei Gu

Sworn to before me on:

September 4, 2024

Josephine Bourne

JOSEPHINE BOURNE
Notary Public, State of New York
No. 04BO6325374
Qualified in Kings County
Commission Expires May 26, 2027

EXHIBIT

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B	Superseding Information	EX-2
C	State Court Order by judge Joy F. Campanelli	EX-3~6
D	State Court Order by judge Cenceria P. Edwards	EX-7~9
E	Criminal Complaint signed by Steven Vitelli	EX-10~11
F	Screenshot of CAM01 on 12/31/23 22:03:34	EX-12

Exhibit
A



1-x7

Exhibit

B

CRIMINAL COURT OF THE CITY OF NEW YORK
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK
COUNTY OF KINGS

V

SUPERSEDING INFORMATION

FEI/FEI GU

DOCKET NO.
CR-001793-24KN

ASSISTANT DISTRICT ATTORNEY VINCENT DIDONATO SAYS THAT ON OR ABOUT DECEMBER 31, 2023 AT APPROXIMATELY 02:20 AM AT 2526 85 STREET IN THE COUNTY OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 145.00(1) CRIMINAL MISCHIEF IN THE FOURTH DEGREE

IN THAT THE DEFENDANT DID:

HAVING NO RIGHT TO DO SO NOR ANY REASONABLE GROUND TO BELIEVE THAT THE DEFENDANT HAD SUCH RIGHT, INTENTIONALLY DAMAGE PROPERTY OF ANOTHER PERSON.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE AS FOLLOWS:

THE DEPONENT IS INFORMED BY HANG CHEN THAT, AT THE APPROXIMATE ABOVE TIME AND PLACE, THE INFORMANT OBSERVED, VIA VIDEO SURVEILLANCE, THE DEFENDANT USING A STICK TO STRIKE AND DAMAGE ONE SURVEILLANCE CAMERA VALUED AT \$450 UNITED STATES CURRENCY.

THE DEPONENT IS FURTHER INFORMED BY THE INFORMANT THAT THE INFORMANT IS THE CUSTODIAN OF THE ABOVE-DESCRIBED PROPERTY AND THAT THE DEFENDANT DID NOT HAVE PERMISSION OR AUTHORITY TO DAMAGE THAT PROPERTY.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT
TO SECTION 210.45 OF THE PENAL LAW.

4/3/2024

DATE

Vincent DiDonato

SIGNATURE

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS: IAS PART 6

Exhibit

252685 ST LLC, HANG CHEN and EMILY HI
CHEN-LANG,

Index No.: 505280/2024

C

Plaintiff,

DECISION AND ORDER

-against-

Hon. Joy F. Campanelli, J.S.C.

FEIFEI GU and YU HIN CHAN,

Defendants.

The following papers were read on this motion pursuant to CPLR 2219(a):

Papers	Numbered
Notice of Motion/Order to Show Cause/Affidavits/Affirmations/Exhibits.....	1-2
Answering Affirmations/Affidavits/Exhibits.....	3-4
Reply Affirmations/Affidavits/Exhibits.....	
Other.....	

In this action for injunctive relief, property damage and defamation, *inter alia*, Plaintiffs move by an Order to Show Cause (OSC Seq. 001) a) enjoining Defendants from destroying Plaintiffs' property at the premises located at 2526 85th Street, Brooklyn, NY 11214 (hereinafter "the premises"; b) enjoining Defendants from placing any cameras in the public/common area outside of Defendants' apartment; c) enjoining Defendants from contacting the Housing Preservation Department ("HPD") asserting frivolous complaints of no heat, no hot water and/or presence of pests; d) enjoining Defendants from calling the police department on Plaintiffs when Plaintiffs are acting legally and within their rights; e) enjoining the Defendants from publicly posting any remarks or reviews about the Plaintiffs, their employer Re/Max, Susana Chen Chong and Plaintiffs' attorney, Mark Salem, Esq. and Mark Salem Law, P.C.; f) removing any remarks or reviews about Plaintiffs, their employer Re/Max and Plaintiffs' attorney; g) enjoining the Defendants from contacting Plaintiffs' employer Re/Max for the purposes of discussing or reporting Plaintiffs' actions or inactions; h) granting Plaintiffs a Preliminary Injunction and a Temporary Restraining Order ("TRO") against the Defendants from filing any civil lawsuit against the Plaintiffs in relation to their tenancy at the premises; i) granting Plaintiffs a Preliminary Injunction and a Temporary Restraining Order against the Defendants from interfering with Plaintiffs' use of their property including making threats to Plaintiffs.

Plaintiffs argue, *inter alia*, that Defendants, who are month-to-month tenants in the premises purchased by Plaintiffs on or about December 19, 2023, have filed multiple complaints with HPD claiming that either there was no heat or no hot water at the premises. However, Plaintiffs allege that Defendants have refused to grant access to Plaintiffs to inspect the issues and remedy them. Plaintiffs further assert that they sent a Notice to Tenant to Make Repairs by certified mail to grant access to the premises, to no avail. Moreover, Plaintiffs contend that they sent a process server to the premises to serve eviction papers to Defendants. However, the process server accidentally hit the Defendants' illegally placed camera with his foot and Defendants began harassing Plaintiffs by sending threatening text messages and called the Police Department. Plaintiffs further claim that they had a professional come to the premises to check the heater and the boiler who determined that they were both working properly. According to Plaintiffs, the harassment continued as Defendant FeiFei destroyed a security camera that was lawfully in the hallway outside the apartment and was placed by Plaintiffs' agents. Plaintiffs state that Defendant FeiFei also left a threatening note for the camera repair professional who was called to fix the camera. Plaintiffs further allege that Defendants left false and harassing negative reviews for Plaintiffs' agents, Susana Chen Chong and Plaintiffs' attorney, Mark Salem Law, P.C. on Google.

In their opposition, Defendants argue that Plaintiffs have failed to file all the papers in support of the TRO simultaneously and the Court should have rejected the OSC for that reason. In addition, Defendants contend that they never received notice of the TRO via text message as their phone plan had expired at the time of the alleged notice. Lastly, Defendants aver that Plaintiffs defrauded the Court with their Affidavit of Service, in which the process server states that he served Jane Doe, a person of suitable age and discretion, and mailed a copy of the OSC. Defendants argue that service was not effectuated as there is no person designated by Defendants to accept service.

The Court finds that Defendants' arguments are meritless. A review of the file indicates that Plaintiffs filed their OSC and the supporting documents on February 23, 2024, and the OSC was signed by the Court on February 28, 2024. In addition, Defendants cannot blame Plaintiffs for their own failure to update their contact information

at the time their phone plan allegedly expired. Nevertheless, Defendants have failed to provide any documentary evidence in admissible form to support their claim about the expiration of the phone plan.

Moreover, it is well settled law that a process server's affidavit of service constitutes prima facie evidence of proper service. (*Scarano v. Scarano*, 63 A.D.3d 716, 716, 880 N.Y.S.2d 682; see *NYCTL 2009-A Trust v. Tsafatinos*, 101 A.D.3d 1092, 1093, 956 N.Y.S.2d 571; *Countrywide Home Loans Servicing, LP v. Albert*, 78 A.D.3d 983, 984, 912 N.Y.S.2d 96). In instances where there is a sworn denial of service by the defendant, the affidavit of service is rebutted, and the plaintiff must establish jurisdiction by a preponderance of the evidence at a hearing *Skyline Agency v. Coppotelli, Inc.*, 117 A.D.2d 135 (2d Dep't., 1986). Here, the affidavit of service of Plaintiffs' process server constitutes prima facia evidence of proper service of the OSC. There is nothing before the Court regarding the denial of service beyond Defendants' argument that there is no one authorized to accept service at the premises. At no point do Defendants swear to specific facts to rebut the statements contained in the process server's affidavit. Therefore, the Court finds Defendants' argument unavailing.

Accordingly, Plaintiffs' Order to Show Cause (Seq. 001) is GRANTED to the extent that, it is hereby

ORDERED that Defendants are enjoined from destroying Plaintiffs' property at the premises, and it is further

ORDERED that Defendants are enjoined from placing any cameras in the public/common area outside of Defendants' apartment, and it is further

ORDERED that Defendants are enjoined from publicly posting any remarks, or reviews about the plaintiffs, their employer Re/Max, Susana Chan Chong and Plaintiff's attorney Mark Salem, Esq. and Mark Salem Law, P.C. and it is further

ORDERED that Defendants must remove any remarks or reviews about the Plaintiffs, their employer Re/Max and Plaintiffs' attorney, Mark Salem, Esq. and Mark Salem Law, P.C.; and it is further

ORDERED that Defendants are enjoined from contacting Re/Max for the purposes of discussing or reporting Plaintiffs' actions or inactions, and it is further

ORDERED that Plaintiffs are granted a Preliminary Injunction and a TRO against the Defendants from interfering with Plaintiffs' use of their property, including making threats to the Plaintiffs.

Any and all other relief is **DENIED**.

A copy of this order with Notice of Entry shall be served on all sides within thirty (30) days of entry.

This constitutes the decision and order of the Court.

Dated: May 10, 2024
Brooklyn, New York


Hon. Joy F. Campanelli, J.S.C.

Exhibit
D

72 for
At the IAS Part 6 of the Civil
Court of the City of New York, held
in and for the County of Kings at the
Courthouse, 360 Adams Street,
Brooklyn, New York the 28 day of
August, 2024.

Hon. Concetta P. Edwards

PRESENT: HON. Joy P. Carpanelli
Justice of the Supreme Court

252685 ST LLC, HANG CHEN and EMILY HI CHEN-
LANG,

Plaintiffs,

-against-

FEIFEI GU and YU HIN CHAN,

Defendants.

Index No. 505280/2024

ORDER TO SHOW
CAUSE FOR
CONTEMPT IN CIVIL
ACTION WITH T.R.O.

WARNING:

**YOUR FAILURE TO APPEAR IN COURT MAY RESULT IN
YOUR IMMEDIATE ARREST AND IMPRISONMENT FOR
CONTEMPT OF COURT.**

NOTICE:

**THE PURPOSE OF THE HEARING UPON THE FOLLOWING
APPLICATION IS TO PUNISH THE ACCUSED FOR
CONTEMPT OF COURT, AND THAT SUCH PUNISHMENT
MAY CONSIST OF FINES OR IMPRISONMENT OR BOTH,
ACCORDING TO LAW.**

Upon the annexed Affirmation of Mark Salem, Esq., Attorney for the
Plaintiffs, in this action, sworn on August 21, 2024, together with the papers attached to
this Order to Show Cause,

Ex-7

Let FEIFEI GU and YU HIN CHAN, Attorney show cause at IAS Part 6
11201 in Room 441 13th
of this Court, to be held at the Courthouse at 360 Adams Street, Brooklyn, NY on the 13th
day of November, 2024, at 5:30 AM/PM or as soon as the parties may be heard,

Why an order should not be made:

1. Adjudging Defendants each guilty of contempt of court for violating the injunction order of this court;
2. Punishing Defendants for contempt of court by ordering defendants to pay sanctions sufficient to deter future similar conduct, and pay the plaintiffs' attorney's fees in making this application;
3. Enjoining the Defendants from filing any action against plaintiffs', their agents, employees or contractors, their counsel or their employer, Re/Max, without an attorneys Certificate of Merit of an attorney who has reviewed the proposed order requiring the Certificate of Merit and the proposed filing; and
4. Granting plaintiffs such other and further relief as the Court deems proper.

THE HEARING
PENDING DETERMINATION OF THIS ORDER TO SHOW CAUSE:

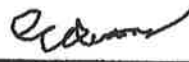
Defendants are enjoined from filing any actions against plaintiffs', their agents, employees or contractors, their counsel or their employer, Re/Max, without an attorneys Certificate of Merit of an attorney who has reviewed the proposed order requiring the Certificate of Merit and the filing.

Sufficient cause appearing therefor, let service of a copy of this order, and the other papers upon which this order is granted, upon the defendants by

Ex-8

on or before the 6th day of September, 2024
~~Personal Service~~ be deemed good and sufficient. An affidavit or other proof of
service shall be presented to this Court on the return date directed in the second
paragraph of this order.

ENTER:



Hon.

Ex-9

Exhibit

E

CRIMINAL COURT OF THE CITY OF NEW YORK
PART APAR COUNTY OF KINGS

THE PEOPLE OF THE STATE OF NEW YORK

STATE OF NEW YORK
COUNTY OF KINGS

v

FEIPEI GU

POLICE OFFICER STEVEN M VITELLI SHIELD NO 22848., OF 62 COMMAND SAYS THAT ON
OR ABOUT DECEMBER 31,2023 AT APPROXIMATELY 02:20 AM AT 2526 85 STREET COUNTY
OF KINGS, STATE OF NEW YORK,

THE DEFENDANT COMMITTED THE OFFENSE(S) OF:

PL 145.00(1) CRIMINAL MISCHIEF IN THE FOURTH DEGREE

IN THAT THE DEFENDANT DID:

HAVING NO RIGHT TO DO SO NOR ANY REASONABLE GROUND TO BELIEVE THAT THE DEFENDANT
HAD SUCH RIGHT, INTENTIONALLY DAMAGE PROPERTY OF ANOTHER PERSON.

THE SOURCE OF DEPONENT'S INFORMATION AND THE GROUNDS FOR DEPONENT'S BELIEF ARE
AS FOLLOWS:

DEPONENT IS INFORMED BY HANG CHEN THAT, AT THE ABOVE TIME AND PLACE, THE
INFORMANT OBSERVED, VIA VIDEO SURVEILLANCE, THE DEFENDANT USING A STICK STRIKE
AND DAMAGE TWO SURVEILLANCE CAMERAS WITH VALUED AT \$250 UNITED STATES CURRENCY.

THE DEPONENT IS FURTHER INFORMED BY INFORMANT THAT INFORMANT IS THE CUSTODIAN OF
THE ABOVE-DESCRIBED PROPERTY AND DEFENDANT DID NOT HAVE PERMISSION OR AUTHORITY
TO DAMAGE THAT PROPERTY.

FALSE STATEMENTS MADE IN THIS DOCUMENT ARE
PUNISHABLE AS A CLASS A MISDEMEANOR PURSUANT
TO SECTION 210.45 OF THE PENAL LAW

01/13/23 PO G/A
DATE SIGNATURE

Ex-10



OFFICE OF THE DISTRICT ATTORNEY, KINGS COUNTY

RENAISSANCE PLAZA at 350 JAY STREET
BROOKLYN, N.Y. 11201-3908
(718) 250-2000

ERIC GONZALEZ
District Attorney

THE PEOPLE OF THE STATE OF NEW YORK

- against -

GU, FEIPEI

K24602365

**NOTICE PURSUANT
TO CPL 710.30(1)(a)**

Defendant(s)

Please take notice that statements in the form noted below were made by the defendant or by a co-defendant a co-defendant to a public servant engaged in law enforcement activity or to a person then acting under the direction of or in cooperation with such a public servant. Please take further notice that the People intend to offer evidence of the below statement(s) of the defendant(s) on the People's direct case at trial of this action. Any recording, transcription, or memorialization of the statements below, if such exist, will be provided pursuant to CPL § 710.30(1)(a) and CPL 245.

GU, FEIPEI

Form of Statement Oral Date and Time 01/12/24 20:40 Place 2820 85 Street
To Whom Made STEVEN VITELLI, shield, CMD:82 Tape No.

Substance of above statement:

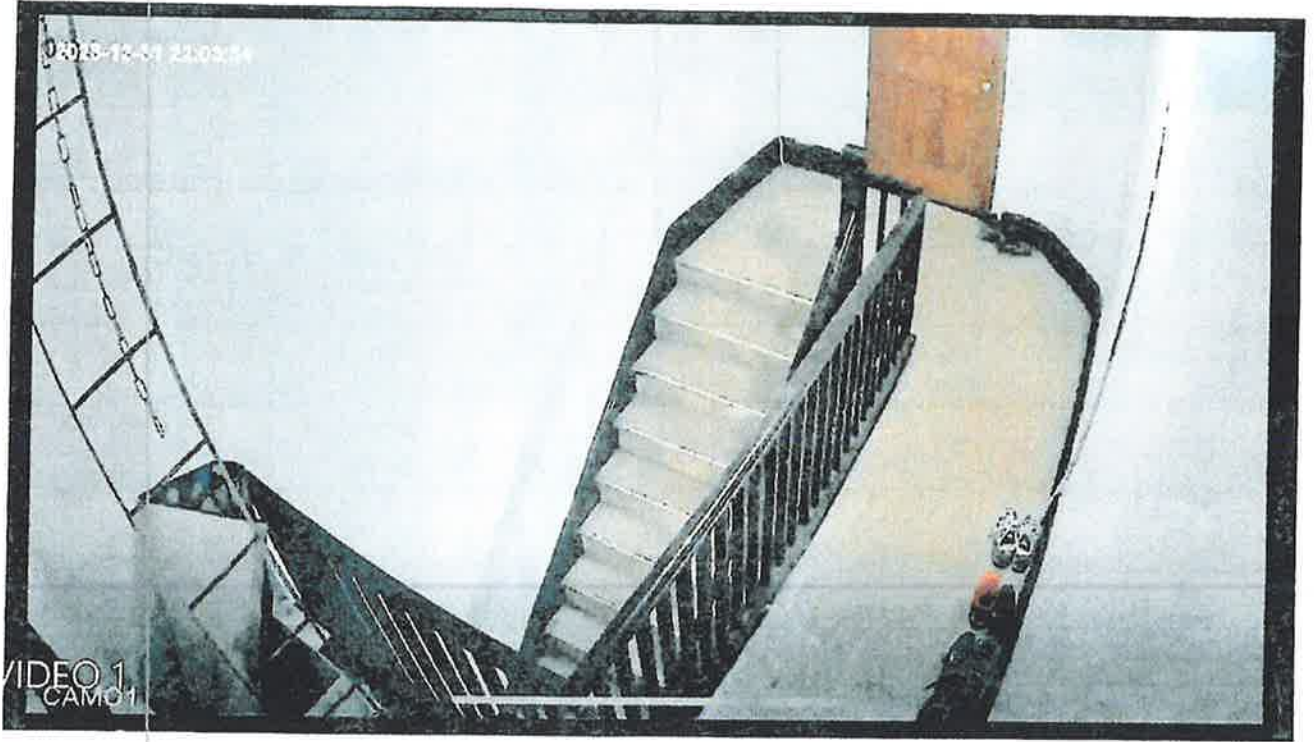
DEFENDANT STATED IN SUM AND SUBSTANCE " I NEVER DAMAGED THE CAMERAS ... I HAVE PROOF ... I WAS AT HOME ON DECEMBER 31 AND JANUARY 1ST"

SEE BODY WORN CAMERA FOOTAGE

Ex-11

Exhibit

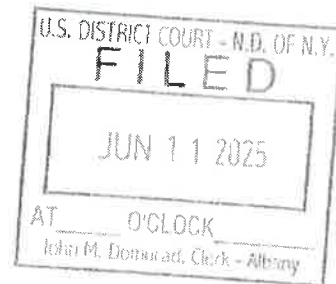
F



Ex-12

Appendix E

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK



Yu Hin Chan

Plaintiff

v.

Case No. 1:25-cv-743
(ecc/mjk)

rowan wilson, as chief judge of the state of NY,

joseph zayas, as chief administrative judge of new york state unified court system

genine D. edwards, as supervising judge of kings county supreme court

joy F. campanelli, as a kings county supreme court judge

Defendants

Complaint

Jury Trial Demanded

BACKGROUND

Defendant joy f. campanelli is the judge presiding over *HAGN CHEN v. Yu Hin Chan*, 505280/2024,

I. JoyF. Campanelli Forged Multiple Court Documents and Tampered with Evidence

1. In the 5/10/24 Order of 505280/2024, Joy F. Campanelli stated,

“However, the process server accidentally hit the Defendants’ illegally placed camera with his foot..”

However, such a statement was never mentioned by Plaintiffs of 505280/2024.

2. Later, Joy F. Campanelli stated in her 1/3/25 Order:

“ The Court, having read all papers submitted in support of and opposition to the underlying Order to Show Cause seq. no. 1, learned of Plaintiff’s allegation regarding the process server accidently hitting Defendants’ illegally placed camera, directly from Plaintiff’s supporting papers. Paragraph 37 of Plaintiff’s Affirmation in Support reads in part “the Process server unintentionally hit the Defendants illegally placed camera with his foot[.]”

3. However, the Affirmation in Support that Joy F. Campanelli referred to, which is NYSCEF doc#5 of 505280/2024 is a forged document - it is not the original document which was first uploaded to NYSCEF and does not have NYSCEF bar on the top,

4. Moreover, NYSCEF doc#5 of 505280/2024 is not the only document Joy F. Campanelli had substituted and forged - there are multiple other documents, including but not limited to NYSCEF doc#3-5, 7-12, these are all without NYSCEF bars and these documents were all being referred to in NYSCEF doc#5,

II. Joy F. Campanelli's Action without Jurisdiction

On 4/15/25, Defendant Joy F. Campanelli issued an Order, inter alia,

“ it is ordered that Defendants Feifei Gu and Yu Hin Chan are henceforth hereby enjoined and prohibited from instituting any further actions and proceedings in any court in the Unified Court System in the State of New York, without prior approval of the Administrative Judge of the court in which they seek to institute an action or proceeding. This injunction includes the courts in all of the counties of this state and includes the Civil Court and Housing Court, Any violation of this order will result in service upon Feifei Gu, and or Yu Hin Chan, of an order to show cause issued by the Court for them to show cause why they should not be adjudicated and punished for Criminal Contempt. If so adjudicated, the court will consider the maximum penalty provided by law.”

JURISDICTION AND VENUE

1. This Court has jurisdiction over this action pursuant to 28 U.S.C. 1331, 28 U.S.C. 1343,

2. The relief requested is authorized pursuant to 28 U.S.C. 1651, 28 U.S.C.1343, 42 U.S.C. 1983, 28 U.S.C. 2202,

3. Venue is appropriate in the Northern District of New York pursuant to 28 USC 1391 (b)(1) and 28 USC 1391 (b)(2).

**FIRST CAUSE OF ACTION: VIOLATION OF FIRST AMENDMENT RIGHTS
AGAINST joy f. campanelli**

1. Judicial immunity does not attach if the judge is acting in the “clear absence of all jurisdiction.” *Stump v. Sparkman*, 435 U. S., at 357 (quoting *Bradley v. Fisher*, 13 Wall. 335, 351 (1872)).

2. joy f. Campanelli, being a mere county court judge, who is not chief judge of the state of new york, nor chief administrative judge of the state unified court system, has no jurisdiction restraining Plaintiff from filing any actions or proceedings in the state unified court system, as alleged by her. Besides, joy f. campanelli is a civil court judge, not a criminal court judge, thus she has no jurisdiction to impose maximum penalty on Plaintiff.

3. As joy f, campanelli violated Plaintiff’s first amendment rights, Plaintiff hereby seeks \$1 BILLION against her.

**SECOND CAUSE OF ACTION: VIOLATION OF DUE PROCESS RIGHTS
AGAINST joy f. campanelli**

1. A judge is not immune from liability for nonjudicial actions, i. e., actions not taken in the judge's judicial capacity. *Forrester v. White*, 484 U. S., at 227-229; *Stump v. Sparkman*, 435 U. S., at 360.
2. joy f. campanelli acted out of her judicial capacity by forging multiple court documents and tampered with evidence,
3. As joy f, campanelli violated Plaintiff's due process rights, Plaintiff hereby seeks another \$1 BILLION against her.

THIRD CAUSE OF ACTION: INJUNCTION AGAINST

rowan wilson, joseph zayas, genine d. edwards

1. Congress enacted § 1983 and its predecessor, § 2 of the Civil Rights Act of 1866, 14 Stat. 27, to provide an independent avenue for protection of federal constitutional rights. The remedy was considered necessary because "state courts were being used to harass and injure individuals, either because the state courts were powerless to stop deprivations or were in league with those who were bent upon abrogation of federally protected rights." *Mitchum v. Foster*, 407 U. S. 225, 240 (1972). See also *Pierson v. Ray*, 386 U. S., at 558-564 (dissenting opinion) (every Member of Congress who spoke to the issue assumed that judges would be liable under § 1983).

2. As had been stated above, Defendant joy f. campanelli forged multiple court documents, tampered with evidence, and harassed Plaintiff, constantly infringing on Plaintiff's first and fourteenth amendment rights,

3. The Court has recognized that a judge is not absolutely immune from criminal liability, *Ex parte Virginia*, 100 U. S. 339, 348-349 (1880), or from a suit for prospective injunctive relief, *Pulliam v. Allen*, 466 U. S. 522, 536-543 (1984), an injunction against a judicial officer was necessary to prevent irreparable injury to a petitioner's constitutional rights,

4. Plaintiff requests an injunction against defendants rowan wilson, joseph zayas, and genine d. edwards from enforcing joy f. campanelli's order in which restrained plaintiff from filing any actions or proceedings in the nys unified court system statewide.

JURY DEMAND

Plaintiff Yu Hin Chan hereby demands a trial by jury on all issues.

WHEREFORE, Plaintiff demands judgment be awarded in his favor as follows:

1. A total of \$2 BILLION MONEY JUDGMENT against Defendant Joy F. Campanelli,
2. Injunction against defendants rowan wilson, joseph zayas, and genine d. edwards from enforcing joy f. campanelli's order in which restrained plaintiff from filing any actions or proceedings in the nys unified court system statewide,
3. Declaratory judgment that joy f. campanelli's orders rendered in 505280/2024 all VOID and UNENFORCEABLE,
4. Dismissing 505280/2024.

VERIFICATION

Yu Hin Chan, being duly sworn, depose and say:

I am the Plaintiff in the above-entitled action. I have read the foregoing Complaint and know the contents thereof. The same is true and correct, except as to matters therein stated to be based on information and belief and as to such matters we believe them to be true.

Executed on:

6/11/25



Appendix F

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x

Feifei Gu,

Plaintiff,

MEMORANDUM & ORDER
24-cv-6157 (EK) (LB)

-against-

Police Officer Michael Sher, Police
Officer Steven Vitelli, Governor
Kathy Hochul, State of New York, Hang
Chen, Emily Hui Chen Liang, Susana
Chong Chen,

Defendants.

-----x

ERIC KOMITEE, United States District Judge:

Plaintiff Feifei Gu filed this action, seeking redress for the violation of her "constitutional and civil rights," including under the First, Fourth and Eighth Amendments to the Constitution. Proceeding *pro se*, she also seeks injunctive relief: specifically, a temporary restraining order "enjoining the defendant[s] . . . from prosecuting" a pending criminal case in New York state court. ECF Nos. 1 & 4. The Court grants plaintiff's request to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. For the reasons discussed below, however, the Complaint is dismissed, and Gu's request for injunctive relief is denied as moot. See 28 U.S.C. § 1915(e)(2)(B).¹

¹ As discussed in Section F below, Gu is a repeat filer in this district. This is her fourth action seeking relief in connection with the

I. Background

The following facts are taken from plaintiff's Complaint and the state court documents appended to it. ECF No. 1; see *Kramer v. Time Warner Inc.*, 937 F.2d 767, 774 (2d Cir. 1991) ("[C]ourts routinely take judicial notice of documents filed in other courts . . . to establish the fact of such litigation and related filings.").

On or about January 1, 2024, plaintiff was arrested and charged with criminal mischief. The district attorney apparently alleges that she destroyed a security camera on the property at which she is a tenant. ECF No. 1 at 3, 13.² Gu brings this action against the arresting officers, Governor Kathy Hochul, the State of New York, and certain private individuals. Plaintiff's criminal action is presently pending in Kings County Criminal Court. *People v. Gu*, No. CR-001793-24KN; see also ECF 1 at 1 (describing the criminal case as "still pending").

Gu's landlord also sued her civilly in New York State Supreme Court (Kings County). See 252685 St. LLC v. Gu, No. 50580/2024. Gu attached to her complaint a May 10, 2024 decision from that court. The order enjoins her from destroying

same state criminal case. See *Gu v. Chen et al.*, No. 24-cv-4756; *Gu v. Chen et al.*, No. 24-cv-5113; *Gu v. Didonato et al.*, No. 24-cv-5179.

² Page citations to the Complaint and Order to Show Cause refer to ECF pagination.

her landlord's property, from placing cameras on the landlord's property (outside her own apartment), and from publicly posting any remarks or reviews about the plaintiffs, Re/Max, or the plaintiffs' attorneys. ECF No. 1 at 16. She also alleges that she was enjoined from "initiating Pro Se lawsuits." ECF 1 at 8.

Plaintiff asserts four claims here.

First, she seeks an order from this Court staying the state criminal prosecution, on the ground that it violates her Fourth Amendment rights. ECF No. 1 at 5, 10. The Court construes this claim as brought under 42 U.S.C. § 1983.

Second, Gu seeks a declaration that the criminal statute she is accused of violating – New York Penal Law 145.00(1) – is unconstitutional under the Eighth Amendment. *Id.* at 7.

Third, Gu seeks a declaration that two orders issued in her landlord's civil action are unconstitutional, as well as a stay of those orders. *Id.* at 8, 10 (describing the state injunction as "a clear violation of First Amendment rights").

Fourth, Gu claims seeks "compensation of \$1 Billion against each Defendant," asserting that the private defendants conspired to violate her First Amendment rights. *Id.* at 9, 10. The Court also construes this claim under Section 1983.³

³ Because Gu specifies the specific relief she seeks in each of her first three causes of action, we understand this request for money damages to

II. Standard of Review

A district court must dismiss an *in forma pauperis* action that "(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief."⁴ 28 U.S.C. § 1915(e)(2)(B). An action is "frivolous" when either: (1) "the factual contentions are clearly baseless, such as when allegations are the product of delusion or fantasy"; or (2) "the claim is based on an indisputably meritless legal theory." *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998).

A complaint must plead "enough facts to state a claim to relief that is plausible on its face." *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A claim is plausible "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Matson v. Bd. of Educ.*, 631 F.3d 57, 63 (2d Cir. 2011) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). Although all allegations contained in a complaint are

be made in connection with her Fourth Cause of Action (against the private defendants).

⁴ Unless otherwise noted, when quoting judicial decisions this order accepts all alterations and omits all citations, footnotes, and internal quotation marks.

assumed to be true, this tenet is “inapplicable to legal conclusions.” *Iqbal*, 556 U.S. at 678.

Additionally, “if the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.” Fed. R. Civ. P. 12(h)(3). The Court lacks subject matter jurisdiction when it does not possess the “statutory or constitutional power” to adjudicate the case. *Makarova v. United States*, 201 F.3d 110, 113 (2d Cir. 2000). As discussed below, certain abstention doctrines may operate to deprive district courts of jurisdiction.

Pro se complaints are “held to less stringent standards” than pleadings drafted by attorneys, and the Court will read a *pro se* complaint liberally and interpret it to raise the strongest arguments it suggests. *Erickson v. Pardus*, 551 U.S. 89, 94 (2007); *Sealed Plaintiff v. Sealed Defendant*, 537 F.3d 185, 191 (2d Cir. 2008). Still, a *pro se* plaintiff is not exempt from “compliance with relevant rules of procedural and substantive law.” *Traguth v. Zuck*, 710 F.2d 90, 95 (2d Cir. 1983).

III. Discussion

A. Gu’s Fourth Amendment Claim

The Court construes plaintiff’s First Cause of Action – in which she alleges a Fourth Amendment and asks for this Court to intervene in her state criminal prosecution – as

brought under Section 1983. That Statute provides, in relevant part, that: "[e]very person who, under color of any statute, ordinance, regulation, custom, or usage, of any State . . . subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured." 42 U.S.C. § 1983.

Plaintiff's claim for injunctive relief is barred under *Younger v. Harris*, 401 U.S. 37 (1971), which held that a federal court may not enjoin a pending state-court criminal proceeding in the absence of special circumstances suggesting bad faith, harassment, or irreparable injury that is both serious and immediate. *Id.* at 46-49. Plaintiff has alleged no facts showing bad faith, harassment, or irreparable injury with respect to her criminal proceedings. The Court cannot, therefore, intervene in that proceeding. *See, e.g., Sumpter v. Bassett*, No. 24-CV-2303, 2024 WL 3938044, at *1 (E.D.N.Y. Aug. 26, 2024); *Wilburn v. Nguyen*, No. 23-CV-4082, 2023 WL 4163510, at *2 (E.D.N.Y. June 23, 2023). Therefore, this claim is dismissed for lack of subject matter jurisdiction. *See Diamond "D" Constr. Corp. v. McGowan*, 282 F.3d 191, 198 (2d Cir. 2002)). ("When *Younger* applies, abstention is mandatory and its application deprives the federal court of jurisdiction in the matter.").

B. Eighth Amendment Claim

Plaintiff seeks a declaration that the criminal-mischief statute under which she is being prosecuted, New York Penal Law 145.00(1), violates the Eighth Amendment. The Court construes this claim as a request for a declaratory judgment. See 28 U.S.C. § 2201(a).

District courts have discretion to determine whether and when to entertain declaratory judgment actions. See *Wilton v. Seven Falls Co.*, 515 U.S. 277, 282 (1995). The Second Circuit identified six factors relevant to this determination in *Admiral Ins. Co. v. Niagara Transformer Corp.*, 57 F.4th 85, 99-100 (2d Cir. 2023).⁵ Those factors counsel against the exercise of such discretion here.

The fourth factor is particularly implicated here. It asks “whether the use of a declaratory judgment would increase friction between sovereign legal systems or improperly encroach on the domain of a state or foreign court.” *Admiral Ins. Co.*, 57 F.4th at 100. Plaintiff is essentially asking this Court to supervise an ongoing criminal prosecution in the state.

⁵ The six factors are: “(1) whether the declaratory judgment sought will serve a useful purpose in clarifying or settling the legal issues involved”; (2) whether such a judgment would finalize the controversy and offer relief from uncertainty; (3) whether the proposed remedy is being used merely for procedural fencing or a race to *res judicata*; (4) whether the use of a declaratory judgment would increase friction between sovereign legal systems or improperly encroach on the domain of a state or foreign court; (5) whether there is a better or more effective remedy; and (6) whether concerns for judicial efficiency and judicial economy favor declining to exercise jurisdiction.” *Admiral Ins. Co.*, 57 F.4th at 99-100.

Plaintiff also runs into difficulty with the first *Admiral Insurance* factor – whether a declaratory judgment would helpfully clarify an opaque or unsettled legal issue. The Eighth Amendment law at issue seems relatively well-settled, at first blush, and the pleadings suggest no reason that the state courts cannot apply that law in Gu’s case.⁶ *Id.* Based on these and other factors, the Court declines to entertaining the request for declaratory judgment.

C. First Amendment Claim

In her Third Cause of Action, Plaintiff seeks a declaration that “two State Orders” in her Kings County Supreme Court case are “unconstitutional in violation of the First Amendment.” ECF No. 1 at 10. She asks this Court to stay the execution of those orders. *Id.*

This claim, too, is barred under *Younger v. Harris*. In addition to state criminal prosecutions, *Younger* abstention is appropriate in civil proceedings “that implicate a State’s interest in enforcing the orders and judgments of its courts.” *Sprint Commc’ns, Inc. v. Jacobs*, 571 U.S. 69, 72–73 (2013). This doctrine honors the “strong federal policy against federal-court interference with pending state judicial proceedings

⁶ “The Eighth Amendment’s protection does not apply until after conviction and sentencing.” *United States v. Walsh*, 194 F.3d 37, 47 (2d Cir. 1999) (citing *Graham v. Connor*, 490 U.S. 386, 392 n.6 (1989)).

absent extraordinary circumstances.” *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass’n*, 457 U.S. 423, 431, (1982).

Younger abstention is “mandatory” when “(1) there is a pending state proceeding, (2) that implicates an important state interest, and (3) the state proceeding affords the federal plaintiff an adequate opportunity for judicial review of his or her federal constitutional claims.” *Spargo v. N.Y. State Comm’n on Judicial Conduct*, 351 F.3d 65, 74 (2d Cir. 2003). In the Second Circuit, a state interest is “important” for the purposes of *Younger* abstention when “the state action concerns the central sovereign functions of state government.” *Grieve v. Tamerin*, 269 F.3d 149, 152 (2d Cir.2001)

Plaintiff’s claim falls comfortably within the category of cases where abstention is mandatory. First, the state civil case is still pending. See ECF No. 1 at 19 (indicating that plaintiff has a hearing scheduled case on November 13, 2024).

Second, the state courts’ power to issue and manage injunctions is undeniably an important sovereign function, and it would surely impede the state’s ability to exercise that power if injunctions were effectively subject to interlocutory appeal to a federal court. The Second Circuit has invoked *Younger* in similar circumstances, abstaining from entertaining a request to vacate a state-issued orders staying certain

foreclosure proceedings. *Toczek v. Alvord*, 841 F. App'x 263, 266 (2d Cir. 2021). The orders, the Court of Appeals held, were "uniquely in furtherance of the state courts' ability to perform their judicial functions" and implicated the "state's interest in enforcing the orders and judgments of its courts." *Id.*; see also *Falco v. Justs. of the Matrimonial Parts of Supreme Ct. of Suffolk Cnty.*, 805 F.3d 425, 427 (2d Cir. 2015) (Younger abstention warranted when federal challenge "implicate[d] the way that New York courts manage their own divorce and custody proceedings – a subject in which the states have an especially strong interest"); *In re Standard & Poor's Rating Agency Litig.*, 23 F. Supp. 3d 378, 410 (S.D.N.Y. 2014) (refusing to intervene in state consumer-protection actions due to the state's strong interest in the earlier-filed litigation).

Third, plaintiff has a full opportunity for judicial review in the state system – both at the Supreme Court level and (if needed) at the Appellate Division. See generally *Earls v. N. Carolina Jud. Standards Comm'n*, 703 F.Supp.3d 701, 716-17 (M.D.N.C. 2023) (abstaining pursuant to *Younger* where state courts afforded an adequate remedy for plaintiff's First Amendment claims).

Thus, plaintiff's claim meets the *Spargo* conditions. This claim, too, will be dismissed for lack of jurisdiction. See

Weiss, 2024 WL 2837623, at *2 (affirming district court's Younger dismissal for lack of jurisdiction).

D. First Amendment Conspiracy Claim

In Gu's Fourth Cause of Action, she alleges that three defendants, Hang Chen, Emily Hui Hui Chen Liang, and Susana Chong Chen, "conspired to violate [her] First Amendment rights." ECF No. 1 at 9.

Section 1983 only applies to state actors. *Leeds v. Meltz*, 85 F.3d 51, 54 (2d Cir. 1996). "To state a claim against a private entity on a Section 1983 conspiracy theory, the complaint must allege facts demonstrating that the private entity acted in concert with the state actor to commit an unconstitutional act." *Spear v. West Hartford*, 954 F.2d 63, 68 (2d Cir. 1992). "A merely conclusory allegation that a private entity acted in concert with a state actor does not suffice to state a § 1983 claim against a private entity." *Ciambriello v. Cnty. of Nassau*, 292 F.3d 307, 324 (2d Cir. 2002).

Gu alleges no facts indicating that any of the defendants sued pursuant to this claim are state actors. ECF No. 1 at 1. Additionally, no facts are alleged that would plausibly demonstrate a conspiracy between the individual defendants and the State. Therefore, this claim is dismissed.

E. Request for Injunctive Relief

In her "emergency" application for a temporary restraining order, Plaintiff seeks to enjoin her state court criminal prosecution. A party seeking injunctive relief must establish, among other things, some likelihood of success on the merits. For the reasons discussed above, Plaintiff cannot make that showing.

Given the dismissal of the complaint, her request for injunctive relief is denied as moot. See generally *Gonzalez v. Conn. Dept. of Correction*, 2021 WL 1923785, at *23 (D. Conn. May 13, 2021) (denying request for injunctive relief as moot after dismissal of complaint); *Word v. Croce*, 169 F. Supp. 2d 219, 222 (S.D.N.Y. 2001) (same).

F. Filing Injunction Warning

The Court notes that this is the fourth action that plaintiff has brought concerning her January 1, 2024 arrest and subsequent prosecution for criminal mischief. See *Gu v. Chen et al.*, No. 24-cv-4756; *Gu v. Chen et al.*, No. 24-cv-5113; *Gu v. Didonato et al.*, No. 24-cv-5179. "The district courts have the power and the obligation to protect the public and the efficient administration of justice from individuals who have a history of litigation entailing vexation, harassment, and needless expense to other parties and an unnecessary burden on the courts and their supporting personnel." *Lau v. Meddaugh*, 229 F.3d 121, 123 (2d Cir. 2000). Plaintiff is warned that the future filing of

repetitive, vexatious, and frivolous litigation may result in the imposition of an injunction prohibiting her from making future filings seeking *in forma pauperis* status without leave of the Court. See *Hong Mai Sa v. Doe*, 406 F.3d 155, 158 (2d Cir. 2005).

IV. Conclusion

For the foregoing reasons, the Complaint is dismissed in its entirety. Fed. R. Civ. P. 12(h)(3); 28 U.S.C. § 1915(e)(2)(B). Plaintiff's First Amendment conspiracy and Eighth Amendment claims are dismissed with prejudice because amendment would be futile. *Grullon v. County of New Haven*, 720 F.3d 133, 140 (2d Cir. 2013). Plaintiff's claims regarding her state court prosecution and her First Amendment objections to the state court orders are dismissed without prejudice. See *Katz v. Donna Karan Co., L.L.C.*, 872 F.3d 114, 116 (2d Cir. 2017) (dismissal for lack of subject matter jurisdiction must be without prejudice).

The Clerk of Court is respectfully directed to enter judgment, mail a copy of the Memorandum and Order to the Plaintiff, note the mailing on the docket, and close this case.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith and, therefore, *in forma pauperis* status is denied

for the purpose of any appeal. See *Coppedge v. United States*,
369 U.S. 438, 444-45 (1962).

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: September 20, 2024
Brooklyn, New York

Appendix G

E.D.N.Y.-Bklyn.
24-cv-6157
Komitee, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 2nd day of April, two thousand twenty-five.

Present:

Barrington D. Parker,
Beth Robinson,
Myrna Pérez,
Circuit Judges.

Feifei Gu,

Plaintiff-Appellant,

v.

24-2799

Police Officer Michael Sher, et. al.,

Defendants-Appellees.

Appellant, pro se, moves for leave to proceed in forma pauperis ("IFP") and an injunction. Upon due consideration, it is hereby ORDERED that the IFP motion is DENIED and the appeal is DISMISSED because it "lacks an arguable basis either in law or in fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e). The motion for an injunction is DENIED as moot.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court