

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Ephraim E. Logan — PETITIONER
(Your Name)

VS.

Heather Anaya, et.al — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____
_____, or

a copy of the order of appointment is appended.

Ephraim E. Logan Rose
(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Ephraim E. Logan, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$_____	\$_____	\$_____	\$_____
Self-employment	\$_____	\$_____	\$_____	\$_____
Income from real property (such as rental income)	\$_____	\$_____	\$_____	\$_____
Interest and dividends	\$_____	\$_____	\$_____	\$_____
Gifts	\$_____	\$_____	\$_____	\$_____
Alimony	\$_____	\$_____	\$_____	\$_____
Child Support	\$_____	\$_____	\$_____	\$_____
Retirement (such as social security, pensions, annuities, insurance)	\$_____	\$_____	\$_____	\$_____
Disability (such as social security, insurance payments)	\$ <u>941.00</u>	\$_____	\$_____	\$_____
Unemployment payments	\$_____	\$_____	\$_____	\$_____
Public-assistance (such as welfare)	\$_____	\$_____	\$_____	\$_____
Other (specify): _____	\$_____	\$_____	\$_____	\$_____
Total monthly income:	\$ <u>941.00</u>	\$_____	\$_____	\$_____

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A		N/A	\$
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A		N/A	\$
			\$
			\$

4. How much cash do you and your spouse have? \$_____
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
no accounts	\$	\$
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home
 Value _____ 0

Other real estate
 Value _____ 0

Motor Vehicle #1
 Year, make & model _____ 0
 Value _____

Motor Vehicle #2
 Year, make & model _____
 Value _____

Other assets
 Description _____ 0
 Value _____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
0	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
0	_____	_____
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 264.00	\$ 270.00 EL
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ _____
Home maintenance (repairs and upkeep)	\$ 0	\$ _____
Food	\$ 264.00	\$ _____
Clothing	\$ 100.00	\$ _____
Laundry and dry-cleaning	\$ 50/month	\$ _____
Medical and dental expenses	\$ 0	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ _____
Life	\$ <u>0</u>	\$ _____
Health	\$ <u>0</u>	\$ _____
Motor Vehicle	\$ <u>0</u>	\$ _____
Other: _____	\$ <u>0</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ _____
Installment payments		
Motor Vehicle	\$ <u>6</u>	\$ _____
Credit card(s)	\$ <u>0</u>	\$ _____
Department store(s)	\$ <u>0</u>	\$ _____
Other: _____	\$ <u>0</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	<u>\$ 678.00</u>	\$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

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

Executed on: June 25, 2025

Ephraim E. Cogan
(Signature)

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Mrs Linda A. Logan — PETITIONER
(Your Name)

VS.

Heather Antaya, et al — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

U.S. District Court District +
OF Rhode Island

Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: _____
_____, or

a copy of the order of appointment is appended.

ProSe: Linda A. Logan
(Signature)

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, Linda D. Logan, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$_____	\$_____	\$_____	\$_____
Self-employment	\$_____	\$_____	\$_____	\$_____
Income from real property (such as rental income)	\$_____	\$_____	\$_____	\$_____
Interest and dividends	\$_____	\$_____	\$_____	\$_____
Gifts	\$_____	\$_____	\$_____	\$_____
Alimony	\$_____	\$_____	\$_____	\$_____
Child Support	\$_____	\$_____	\$_____	\$_____
Retirement (such as social security, pensions, annuities, insurance)	\$_____	\$_____	\$_____	\$_____
Disability (such as social security, insurance payments)	\$ <u>1,002.92</u>	\$ _____	\$ <u>1,002.92</u>	\$ _____
Unemployment payments	\$_____	\$_____	\$_____	\$_____
Public-assistance (such as welfare)	\$_____	\$_____	\$_____	\$_____
Other (specify): _____	\$_____	\$_____	\$_____	\$_____
Total monthly income:	\$ <u>1,002.92</u>	\$ _____	\$ _____	\$ _____

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A

4. How much cash do you and your spouse have? \$ _____
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Checking	\$ 0.00	\$ N/A

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home
 Value _____

Other real estate
 Value _____

Motor Vehicle #1
 Year, make & model _____
 Value _____

Motor Vehicle #2
 Year, make & model _____
 Value _____

Other assets
 Description _____
 Value _____

no other assets (none).

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
_____	\$_____	\$_____
_____	\$_____	\$_____
_____	\$_____	\$_____

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
_____	_____	_____
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>282.00</u>	\$ _____
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ _____
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ _____
Food	\$ <u>296.00</u>	\$ _____
Clothing	\$ <u>130.00</u>	\$ _____
Laundry and dry-cleaning	\$ <u>50/monthly</u>	\$ _____
Medical and dental expenses	\$ <u>0</u>	\$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ _____
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ _____
Life	\$ <u>0</u>	\$ _____
Health	\$ <u>0</u>	\$ _____
Motor Vehicle	\$ <u>99.99</u>	\$ _____
Other: <u>AAA</u>	\$ <u>98.00</u>	\$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ _____	\$ _____
Installment payments		
Motor Vehicle	\$ _____	\$ _____
Credit card(s)	\$ _____	\$ _____
Department store(s)	\$ _____	\$ _____
Other: <u>P.O. Box fee</u>	\$ <u>100.00</u>	\$ _____
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ _____
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ _____
Other (specify): _____	\$ _____	\$ _____
Total monthly expenses:	<u>\$ 995.99</u>	\$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes No If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? _____

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes No

If yes, how much? _____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

The reason I am not able to pay the cost of this case, is because, I do and have been receiving disability benefits monthly. Every bit of this benefit is needed.
I declare under penalty of perjury that the foregoing is true and correct.

Executed on: June 3rd, 2025

J. Hogan A.
(Signature)

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Linda A. Logan;
Ephraim E. Logan — PETITIONER
(Your Name)

Heather Antaya; vs.
Lynne Townsend — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
The United States Court of Appeals
For the First Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Linda A. Logan
Ephraim E. Logan
(Your Name)

P.O. Box 45
(Address)

Providence R.I. 02901
(City, State, Zip Code)

(401) 895-9344
(Phone Number)

QUESTION(S) PRESENTED

If the court denies the Motion For Summary Judgement, the case will proceed to trial. See citation e.g., "Appendix E."

Petitioner's Motion For Summary Judgement was denied and no trial was scheduled for our case, thereafter. See e.g., "Appendix C".

LIST OF PARTIES

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

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

There are no cases in other courts that are directly related to the case in this court.

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APPENDIX A :	Decision of the United States Court of Appeal For the First Circuit.
APPENDIX B :	Decision of the Rhode Island U.S. District Court
APPENDIX C :	Decision of the state trial Superior court Order denying Motion for Summary Judgement.
APPENDIX D :	State trial Superior court Order grants dismissal of Summary Judgement.
APPENDIX E :	Citation - Public counsel Federal PROSEC
APPENDIX F :	Docket, U.S. District court (Providence) case # No. : 1823-cv-00293-WES-LDA
Appendix G:	State of Rhode Island trial Superior court Providence transcript.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Anderson v. Liberty Lobby, Inc. 477 U.S. 242, 248 (1986); Celotex Corp. v. Calbreth, 477 U.S. 317, 322 (1986)	17.

Taylor v. List, 880 F. 2d 1040, 1045 (9th Cir. 1989). Celotex Corp., at 252.	18.
KRL v. Moore, 384 F. 3d 1105, 1110 (9th Cir. 2004).	

STATUTES AND RULES

28 U.S.C App. Fed. R. Civ. P. Rule 56.

Summary Judgement. Title 28 Appendix Federal Rules of Civil Procedure. VI. Judgement is the FRCP that governs summary judgement. It allows judges to rule in favor of a party as a matter of law when there are no genuine issues of fact.

OTHER

None of the rules or statutes.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the State trial superior court appears at Appendix C to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 21, 2024.

[] No petition for rehearing was timely filed in my case.

[] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix ____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**:

The date on which the highest state court decided my case was April 14, 2023. A copy of that decision appears at Appendix C.

[] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix ____.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. __A____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution. Amendment III.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

Statement of the Case

This case of the Petitioners, is based on a filed Motion for Summary Judgement, that has been denied. I had filed this motion, concerning our Breach of contract, (lease agreement) against, the Respondents. I wanted the state superior trial Court Judge, do enter a final judgement on our claims of the case, before trial.

Petitioner, Linda A. Logan, believed that there was no genuine dispute as to any material fact concerning our case, based upon our claims, which supports a breach of the lease agreement, was committed.

The motion was filed on December 5th of 2022, case no.: PC-2022-04149. The hearing date was held on April 4th of 2023, @ the Providence Rhode Island state Superior court.

The Material facts of this case,

concerns an Annual Recertification. Every year,

Landlords provide necessary documents, of HUD,

(Department of Housing and Urban Development) for

tenants to sign, to make sure we are

eligible for Hud assistance. A hud form

called, a bank verification form, is used

during the recertification. This form or document

had an error of a wrong bank name, printed

on it.

I had notified, Heather Antaya, by a written letter, during our June 1st 2020 annual recertification and explained that this document can not be signed, because it has the wrong bank name, printed on it.

Plaintiff, Linda A. Logan, never did hear back from defendant, Heather Antaya. Instead defendant's assistant, Robin Hazelton, gave us the Plaintiff's, a Ten-Day Demand Notice

for nonpayment of rent. One of the claims to our case, proves, that rent has been paid, concerning a prior lease, dated

From: 10/1/2019 to 9/30/2020.

During the proceedings, at the hearing of the Motion For Summary Judgment, in the transcript on page 18, line 11, see: e.g. "Appendix G". Plaintiff: Linda A. Logan stated therein to Judge McHugh, if you denies this

This Summary Judgement, it's suppose to go to trial. Line 13-18, The court: stated, not when the case is dismissed. I just dismissed the whole case. If there was no motion to dismiss and I denied the motion for summary judgement, you're right, the case goes to trial . . . See: e.g., "Appendix C" and "e.g., Appendix D."

According to e.g., "Appendix E."

If the court denies the motion for Summary judgement, the case will proceed to trial. When the court denies a Motion for Summary Judgement, the judge is not saying the moving party has lost on the claims or defenses raised in the Motion. Rather, the judge is saying that a trial is necessary to determine the outcome of those claims and defenses.

Plaintiffs, then decided to appeal at the state court ruling, at the U.S. District court District of Rhode Island. I had filed a complaint on 7/12/2023, at the clerks office of

the U.S. District court... After viewing the complaint, the U.S. District court had dismissed our case, stating they, (the court) have no subject-matter jurisdiction over Plaintiff's claims, (meaning that it does not have the power to review Plaintiff's claims) see: e.g., "Appendix B." I am aware that the U.S. District court... has no subject-matter jurisdiction to review Plaintiff's claims. Plaintiff is not asking that court, to review our claims, but is

asking, that court, the U.S. District court...
for a fair trial, do have our claims, to
a breach of contract, determined, by a state
trial court.

On September 27, 2023, Case #: 23-1808,
a Notice of Appeal was filed by Plaintiff, Linda
A. Logan at the U.S. District court District of
Rhode Island clerks office. see: e.g., "Appendix F."

On November 27, 2023, of the Report and
Recommendation over Plaintiff's objection,

That court agrees with Judge Almond, that Plaintiff's appeal is not taken in good faith because federal courts lack jurisdiction to review state court civil decisions.

On November 29, 2023, Plaintiff's Notice of Appeal was transmitted to the U.S. Court of Appeals for the First Circuit. See: e.g., "Appendix F." Docket #: 14-12.

On March 21st of 2024. Judgement from the United States Court of Appeals For the first Circuit agreed with the District courts, ultimate conclusion that subject-matter jurisdiction was lacking, therefore, once again, our case was dismissed without prejudice . . . See:
e.g., "Appendix A." (highlighted.)

Petitioner, Linda D. Logan, is aware that the Appellate court, the U.S. District court has

the power to review the judgement of a

lower court (trial) or tribunal. I am

also aware that, the U.S. District court

task is to determine whether or not the law was applied correctly in the trial court.

This process did not happen for us, in that

U.S. District court for us, the Petitioners,

Linda D. Logan and Ephraim E. Logan.

The moving party bears the initial burden of establishing there is no genuine issue of material fact. Anderson v. Liberty Lobby, Inc. 477 U.S. 242, 248 (1986); Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986).

To defeat the motion for summary judgement, the responding party must present admissible evidence sufficient to establish any of the elements that are essential to the moving party's case and for which that party will bear the burden of proof at trial. See *id.*, *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir. 1989).

The responding party cannot point to mere allegations or denials contained in the pleadings.

It is not enough for the non-moving party to produce a mere "scintilla" of evidence. Celotex Corp., at 252.

Instead, the responding party must set forth, by affidavit or other admissible evidence, specific facts demonstrating the existence of an actual issue for trial. See *XRL v. Moore*, 384 F. 3d 1105, 1110 (9th Cir. 2004).

Reason For Granting The Petition.

The state court was not only erroneous, but it failed to apply to the Federal Rules of Civil Procedure rule 56(a). Summary

Judgment. (www.law.cornell.edu/rules/frcr.

12/1/2020). Plaintiff, prays this court, "that

this issue", does not repeat itself, to any other person who represents themselves, in the

court of law, wanting to file a Motion

For Summary Judgment for their case, if need be."

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Linda A. Logan; Ephraim E. Logan

Date: June 11, 2025.

United States Court of Appeals For the First Circuit

No. 23-1808

LINDA A. LOGAN; EPHRAIM E. LOGAN,

Plaintiffs - Appellants,

v.

HEATHER ANTAYA; LYNNE TOWNSEND, Senior Property Compliance Manager,

Defendants - Appellees.

Before

Barron, Chief Judge,
Gelpí and Montecalvo, Circuit Judges.

JUDGMENT

Entered: March 21, 2024

Pro se plaintiffs-appellants Linda A. Logan and Ephraim E. Logan seek to proceed in forma pauperis ("IFP") in this appeal from the dismissal of their complaint at the screening stage, 28 U.S.C. § 1915(e)(2). The district court certified that the appeal was not taken in good faith. See 28 U.S.C. § 1915(a)(3). We construe appellants' motion to proceed IFP as a motion under Fed. R. App. P. 24(a)(5). Because appellants have failed to identify any non-frivolous argument on appeal and have failed to overcome the district court's finding that the appeal was not taken in good faith, we deny the IFP motion.

We further conclude that appellants need not be given additional time to pay the filing fee because, after careful de novo review of relevant portions of the record, including the complaint, we conclude that the appeal does not present a "substantial question," 1st Cir. R. 27.0(c), and that summary affirmance is in order. See Bradshaw v. Corr. Med. Servs., Inc., 6 F. App'x 45, 46 (1st Cir. 2001) (unpublished per curiam) (reviewing screening dismissal de novo); Universal Commc'n Sys., Inc. v. Lycos, Inc., 478 F.3d 413, 418 (1st Cir. 2007) (reviewing dismissal premised on lack of subject matter jurisdiction de novo); Puerto Ricans For Puerto Rico Party v. Dalmáu, 544 F.3d 58, 66 (1st Cir. 2008) (reviewing dismissal based on Rooker-Feldman grounds de novo).

e.g., "Appendix A."

Appellants, as the parties invoking federal jurisdiction, bore the ultimate burden to demonstrate its existence. See, e.g., Valentin v. Hosp. Bella Vista, 254 F.3d 358, 366 (1st Cir. 2001). With their form complaint, appellants made no attempt to invoke 28 U.S.C. § 1332 diversity jurisdiction; indeed, they marked out relevant questions on the form complaint. Appellants instead invoked 28 U.S.C. § 1331 federal question jurisdiction. However, when asked on the form complaint to "[list] the specific federal statutes, federal treaties, and/or the provisions of the United States Constitution that are at issue," appellants listed only the Federal Rules of Civil Procedure, generally, and Federal Rule of Civil Procedure 56, specifically. Appellants never have explained how those procedural rules might have allowed the district court to entertain their action under the federal question provision at § 1331, as any claims set out in the complaint did not arise under the federal rules cited or under any other provision of federal law. See Arbaugh v. Y&H Corp., 546 U.S. 500, 513 (2006) ("A plaintiff properly invokes § 1331 jurisdiction when she pleads a colorable claim 'arising under' the Constitution or laws of the United States."). Indeed, with their federal complaint, appellants spoke only of state law claims already pursued or being pursued in a state court action and seemingly asked the district court to direct the activities of the state court.

Further, the district court concluded that, to the extent state court proceedings had concluded and to the extent appellants were asking the district court to review the decision of the state court, the Rooker-Feldman doctrine barred review. That assessment appears correct. See Federacion de Maestros de Puerto Rico v. Junta de Relaciones del Trabajo de Puerto Rico, 410 F.3d 17, 24 (1st Cir. 2005) (discussing Rooker-Feldman principles).

We agree with the district court's ultimate conclusion that subject matter jurisdiction was lacking. See Williams v. United States, 858 F.3d 708, 714 (1st Cir. 2017) (court may affirm on any basis apparent from the record). Accordingly, the district court's screening dismissal, without prejudice, is summarily affirmed.

Affirmed. 1st Cir. R. 27.0(c).

By the Court:

Maria R. Hamilton, Clerk

cc:

Linda A. Logan
Ephraim E. Logan

U.S. District Court

District of Rhode Island

Notice of Electronic Filing

The following transaction was entered on 8/31/2023 at 12:51 PM EDT and filed on 8/31/2023

Case Name: Logan et al v. Antaya et al

Case Number: 1:23-cv-00293-WES-LDA

Filer:

Document Number: No document attached

Docket Text:

TEXT ORDER adopting Magistrate Judge Almond's thoughtful and well-reasoned [5] Report and Recommendations ("R&R") over Plaintiffs' [7] Objection. The Court agrees with Judge Almond that it has no subject-matter jurisdiction over Plaintiffs' claims (meaning that it does not have the power to review Plaintiffs' claims) and that "even if the Rhode Island Superior Court proceedings have now concluded, Plaintiffs' Complaint appears to be an improper attempt to have this Court review and overturn rulings made by the state court." R&R 3, ECF No. [5]. Further, Plaintiffs' Objection, although specific, does not address Judge Almond's ultimate conclusion that the Court lacks subject-matter jurisdiction over this case. Accordingly, the case is DISMISSED without prejudice. So Ordered by District Judge William E. Smith on 8/31/2023. (Urizandi, Nissheneyra)

e.g. "Appendix B."

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

LINDA LOGAN
& EPHRAIM LOGAN

VS.

C.A. NO.: PC-2022-04149

HEATHER ANTAYA
& LYNNE TOWNSEND

ORDER

This matter came before the Honorable Associate Justice Kevin F. McHugh on April 4, 2023, for hearing on the Plaintiffs' Motion for Summary Judgment. After hearing thereon, it is hereby:

ORDERED, ADJUDGED AND DECREED

I. Plaintiffs' Motion for Summary Judgment is denied.

ENTERED as an Order of this Honorable Court this ____ day of April, 2023.

BY ORDER:

Debrah Boaglain
Gen. Chief Clerk 5-4-23

ENTERED:

/s/ Kevin F. McHugh
Associate Justice

McHugh, J.

True Copy Attest
Kathy T. Burke
Office of Clerk of Superior Court
Counties of Providence & Bristol
Providence, Rhode Island

e.g., "Appendix C."

PRESENTED BY:

/s/ Christopher A. Murphy
Christopher A. Murphy, Esq. (#7364)
O'Leary Murphy, LLC
4060 Post Road
Warwick, Rhode Island 02886
401.615.8584
cam@olearymurphy.com

CERTIFICATE OF SERVICE

I hereby certify that, on the 11th day of April 2023, I filed the within Order through the electronic filing system and mailed to the following parties:

Linda Logan
Ephram Logan
PO Box 45
Providence, RI 02901

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/Christopher A. Murphy

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

LINDA LOGAN
& EPHRAIM LOGAN

VS.

C.A. NO.: PC-2022-04149

HEATHER ANTAYA
& LYNNE TOWNSEND

ORDER

This matter came before the Honorable Associate Justice Kevin F. McHugh on April 4, 2023, for hearing on the Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction.

After hearing thereon, it is hereby:

ORDERED, ADJUDGED AND DECREED

I. Defendants' Motion to Dismiss is granted.

ENTERED as an Order of this Honorable Court this _____ day of April, 2023.

BY ORDER: /s/ Rachel-Lyn Longo
Deputy I Clerk
May 3, 2023

ENTERED: /s/ Kevin F. McHugh
Associate Justice

McHugh, J.



e.g., "Appendix D.")

PRESENTED BY:

/s/ Christopher A. Murphy
Christopher A. Murphy, Esq. (#7364)
O'Leary Murphy, LLC
4060 Post Road
Warwick, Rhode Island 02886
401.615.8584
cam@olearymurphy.com

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Linda Logan
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/s/Christopher A. Murphy



Federal Pro Se Clinic

CENTRAL DISTRICT OF CALIFORNIA: WESTERN DIVISION

▣ How to File a Motion for Summary Judgment ▣

What is a Motion for Summary Judgment?

A Motion for Summary Judgment can be filed by any party in a lawsuit (defendant or plaintiff) who wants the Court to enter a final judgment on all or some of the parties' claims or defenses before trial. The Motion for Summary Judgment is governed by Federal Rule of Civil Procedure 56.

The party who files the Motion for Summary Judgment is called the "moving party" and can file the Motion if he or she believes that there is no genuine dispute as to any material fact and that he or she is entitled to judgment as a matter of law with respect to some or all of the parties' claims or defenses.

If the Court grants the Motion for Summary Judgment, the moving party will obtain a final judgment on all or some of the parties' claims or defenses. If the Court denies the Motion for Summary Judgment, the case will proceed to trial, unless the parties agree to settle the case. Therefore, when the Court denies a Motion for Summary Judgment, the judge is not saying the moving party has lost on the claims or defenses raised in the Motion. Rather, the judge is saying that a trial is necessary to determine the outcome of those claims and defenses.

Glossary:

What is a "material fact"?

A "material fact" is a fact that is important to or will likely prove any of the claims or defenses in your case. For example, the following are material facts in a personal injury case where an element of the plaintiff's claim is negligence:

- Defendant was driving 100 miles per hour before his car collided with plaintiff's car.
- Defendant ran a red light seconds before his car collided with plaintiff's car.

Summary Judgment is complicated!

Read Federal Rule of Civil Procedure 56 and Local Rule 56 of the Central District of California thoroughly before drafting your Motion for Summary Judgment. Consider consulting the law library for authoritative books on Motions for Summary Judgment. In addition, read your judge's "standing order" for any additional requirements for the Motion for Summary Judgment.

U.S. District Court
District of Rhode Island (Providence)
CIVIL DOCKET FOR CASE #: 1:23-cv-00293-WES-LDA

Logan et al v. Antaya et al

Assigned to: District Judge William E. Smith

Referred to: Magistrate Judge Lincoln D. Almond

Case in other court: First Circuit, 23-01808 (requires PACER login)

Cause: 42:1983 Civil Rights Act

Date Filed: 07/12/2023

Date Terminated: 08/31/2023

Jury Demand: None

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: Federal Question

Plaintiff

Linda A. Logan

represented by **Linda A. Logan**

P.O. Box 45

Providence, RI 02901-0433

(401) 487-8554

PRO SE

Plaintiff

Ephraim E. Logan

represented by **Ephraim E. Logan**

PRO SE

V.

Defendant

Heather Antaya

Defendant

Lynne Townsend

Senior Property Compliance Manager

Date Filed	#	Docket Text
07/12/2023	<u>1</u>	COMPLAINT, filed by Linda A. Logan, Ephraim E. Logan. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(Kenny, Meghan) (Entered: 07/12/2023)
07/12/2023	<u>2</u>	MOTION for Leave to Proceed in forma pauperis filed by Linda A. Logan. (Kenny, Meghan) (Entered: 07/12/2023)
07/12/2023	<u>3</u>	Summons Request filed by Linda A. Logan. (Attachments: # <u>1</u> USM-285 forms)(Kenny, Meghan) (Entered: 07/12/2023)
07/12/2023		Case assigned to District Judge William E. Smith and Magistrate Judge Lincoln D. Almond. (Kenny, Meghan) (Entered: 07/12/2023)
07/12/2023	<u>4</u>	CASE OPENING NOTICE ISSUED (Kenny, Meghan) (Entered: 07/12/2023)
07/13/2023		MOTIONS REFERRED: <u>2</u> MOTION for Leave to Proceed in forma pauperis referred for determination to Lincoln D. Almond. (Urizandi, Nissheneyra) (Entered: 07/13/2023)

e.g. "Appendix F."

07/13/2023		MOTIONS REFERRED: <u>2</u> MOTION for Leave to Proceed in forma pauperis referred for determination to Lincoln D. Almond. (Urizandi, Nissheneyra) (Entered: 07/13/2023)
08/03/2023	<u>5</u>	REPORT AND RECOMMENDATION FOR SUMMARY DISMISSAL PURSUANT TO 28 U.S.C. § 1915(e) and ORDER - Plaintiffs' Motion to Proceed In forma Pauperis (ECF No. 2) is GRANTED. However, pursuant to 28 U.S.C. § 1915(e)(2)(B), I further recommend that Plaintiffs' Complaint (ECF No. 1) and this case be DISMISSED WITHOUT PREJUDICE. re <u>2</u> MOTION for Leave to Proceed in forma pauperis filed by Linda A. Logan, REPORT AND RECOMMENDATIONS re <u>1</u> Complaint filed by Linda A. Logan, Ephraim E. Logan (Objections to R&R due by 8/17/2023.) So Ordered by Magistrate Judge Lincoln D. Almond on 8/3/2023. (Noel, Jeannine) (Entered: 08/03/2023)
08/16/2023	<u>6</u>	MOTION for an Extension of Time to File Response/Reply as to <u>5</u> REPORT AND RECOMMENDATIONS re <u>1</u> Complaint filed by Linda A. Logan, Ephraim E. Logan filed by Linda A. Logan. Responses due by <u>8/30/2023</u> . (Kenny, Meghan) (Entered: 08/16/2023)
08/16/2023		TEXT ORDER granting <u>6</u> Motion for Extension of Time to File Response/Reply. Responses due by <u>8/31/2023</u> . So Ordered by District Judge William E. Smith on 8/16/2023. (Urizandi, Nissheneyra) (Entered: 08/16/2023)
08/30/2023	<u>7</u>	OBJECTION to <u>5</u> Report and Recommendations filed by Linda A. Logan. (DaCruz, Kayla) (Entered: 08/30/2023)
08/31/2023		TEXT ORDER adopting Magistrate Judge Almond's thoughtful and well-reasoned <u>5</u> Report and Recommendations ("R&R") over Plaintiffs' <u>7</u> Objection. The Court agrees with Judge Almond that it has no subject-matter jurisdiction over Plaintiffs' claims (meaning that it does not have the power to review Plaintiffs' claims) and that, "even if the Rhode Island Superior Court proceedings have now concluded, Plaintiffs' Complaint appears to be an improper attempt to have this Court review and overturn rulings made by the state court." R&R 3, ECF No. <u>5</u> . Further, Plaintiffs' Objection, although specific, does not address Judge Almond's ultimate conclusion that the Court lacks subject-matter jurisdiction over this case. Accordingly, the case is DISMISSED without prejudice. So Ordered by District Judge William E. Smith on 8/31/2023. (Urizandi, Nissheneyra) (Entered: 08/31/2023)
08/31/2023	<u>8</u>	JUDGMENT entered dismissing this case without prejudice. So Ordered by District Judge William E. Smith on 8/31/2023. (Urizandi, Nissheneyra) (Entered: 08/31/2023)
09/27/2023	<u>9</u>	NOTICE OF APPEAL by Linda A. Logan as to <u>8</u> Judgment, Order on Report and Recommendations, Order on Motion for Leave to Proceed in forma pauperis
		NOTICE TO COUNSEL: Counsel should register for a First Circuit CM/ECF Appellate Filer Account at http://pacer.psc.uscourts.gov/cmecf/ . Counsel should also review the First Circuit requirements for electronic filing by visiting the CM/ECF Information section at http://www.ca1.uscourts.gov/cmecf .Appeal Record due by 10/4/2023. (DaCruz, Kayla) (Entered: 09/27/2023)
09/27/2023	10	MOTION for Leave to Appeal in forma pauperis filed by Linda A. Logan. (DaCruz, Kayla) (Entered: 09/27/2023)
09/27/2023	11	MOTION for Leave to Appeal in forma pauperis filed by Ephraim E. Logan. (DaCruz, Kayla) (Entered: 09/27/2023)
09/27/2023	<u>12</u>	CLERK'S CERTIFICATE AND APPELLATE COVER SHEET: Abbreviated record on appeal consisting of notice of appeal, order(s) being appealed, and a certified copy of the district court docket report transmitted to the U.S. Court of Appeals for the First Circuit in accordance with 1st Cir. R. 11.0(b). <u>2</u> Notice of Appeal. (Attachments: # <u>1</u> Record on Appeal)(DaCruz, Kayla) (Entered: 09/27/2023)
09/27/2023		USCA Case Number 23-1808 for <u>2</u> Notice of Appeal filed by Linda A. Logan. (DaCruz, Kayla) (Entered: 09/27/2023)
09/27/2023		MOTIONS REFERRED: <u>10</u> MOTION for Leave to Appeal in forma pauperis, <u>11</u> MOTION for Leave to Appeal in forma pauperis referred for determination to Lincoln D. Almond. (Urizandi, Nissheneyra) (Entered: 09/27/2023)
09/29/2023	12 <u>13</u>	REPORT AND RECOMMENDATIONS recommending that the District Court find that the Appeal is not taken in good faith and DENY Plaintiffs' Motions to Appeal IFP. <u>10</u> MOTION for Leave to Appeal in forma pauperis filed by Linda A. Logan, <u>11</u> MOTION for Leave to Appeal in forma pauperis filed by Ephraim E. Logan. Objections to R&R due by 10/13/2023. So Ordered by Magistrate Judge Lincoln D. Almond on 9/29/2023. (Noel, Jeannine) (Entered: 09/30/2023)

1 he and they are liars. I got evidence right here. I
2 wish you would look at it, okay, Exhibit 17 to 26.

3 THE COURT: The reason for the eviction is
4 irrelevant to this. You sued the wrong people up
5 here. They're not the landlord. And you have to be
6 across the plaza in district court.

7 THE PLAINTIFF: They are the landlord.

8 THE COURT: Well, you can take an appeal to the
9 supreme court.

10 THE PLAINTIFF: You bet I will, you bet I will.
11 If you deny this summary judgment it's supposed to go
12 to trial. It's supposed to go to trial.

13 THE COURT: Not when the case is dismissed. I
14 just dismissed the whole case. If there was no motion
15 to dismiss and I denied the motion for summary
16 judgment, you're right, the case goes to trial. But I
17 granted the defendants' motion to dismiss so the case
18 is dismissed.

19 THE PLAINTIFF: You didn't even look at mine, did
20 you?

21 THE COURT: I looked at it beforehand.

22 THE PLAINTIFF: You said nonpayment for rent. I
23 just gave you evidence. I gave you exhibits that my
24 rent has been paid. It's a false accusation that they
25 put through during our annual recertification.