IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No.

USDC No. 22-1056 (D. Or.)

NOTICE OF APPEAL

Plaintiff Jane Doe appeals to the U.S. Court of Appeals for the Ninth Circuit an unlawful and malicious "disposal" of her meritorious RICO action, *Jane Doe v. La. dep. jus.*, et al., No. 22-1056 (D. Or.).

Ordinarily, such an unlawful, clownish, and malicious "ruling" such as CM/ECF 6 would not have to be appealed and the action could simply be refiled, as the law clearly explains and allows. However, in this case, as Plaintiff is dealing with the criminal cartel of the scumbags who do not respect the law, lie about the law and facts, fraudulently "suffocate" Plaintiff's meritorious actions against them through more crime and deceit – Plaintiff is forced to take this action and appeal yet another criminal "ruling," fraudulent in law, fact, and procedurally.

Instead of healing and recovering from the grave injuries, inflicted on her by the foul scumbags, sued in this action, *Jane Doe v. La. dep. jus.*, et al., No. 22-1056 (D. Or.), Plaintiff has to add to her workload this yet another malicious and illegal "dismissal" of her case by yet another judge who does not respect the law, the U.S. Constitution, the precedents, the principles of jurisprudence, the equal rights under the law, or the "mission statement" of the Ninth Circuit to apply the law "uniformly and coherently."

Nonetheless, no volume of endless scumbaggery, perversion of the law, trickery, cheap pretense, and deceit will deter Plaintiff from asserting her rights for meaningful access to courts and application of the law in an honest, non-selective, and non-discriminatory manner by the "courts."

The appealed herein CM/ECF 6 is multifacetedly fraudulent, and no matter from which angle it is approached, it is still deceitful and fraudulent. For instance, even assuming that the district judge could pretend to "not understand" very clearly stated Plaintiff's submission,

CM/ECF 5, and "grant" Plaintiff an in forma pauperis status which she never sought and never filed any application for the same, and even if he could purport to "screen" Plaintiff's strikingly substantive complaint under the prisoner in forma pauperis statute (he could not, as very clearly stated in *Olivas v. Nevada, ex rel. Dep't of Corr.*, 856 F.3d 1281, 1283 (9th Cir. 2017)), then he still could not, under any circumstances, malciosuly discard the meritorious Plaintiff's action, as although he fraudulently cites some Supreme Court's cases that dealt with a standard of frivolity of the *prisoner* petition, purporting to "apply" them to the Plaintiff's case, they have absolutely nothing to do with this case that presents solid, sound, scrupulously documented and analyzed facts that scream about endless crimes which have been committed against Plaintiff and Plaintiff's Family, with references to such evidence as public records, deposition transcripts, "medical" records, audio- and video-recordings, and other undeniable evidence.

Although such cases of conspiracy to injure may be sustained on circumstantial evidence alone, *LILE v. UNITED STATES*, 264 F.2d 278,

281 (9th Cir. 1958), Plaintiff's case is strikingly powerful and unique because she has an abundance of direct evidence – of which the criminal cartel is very well aware as it has been stealing evidence from Plaintiff's home and computer, re-falsifying it to "fit" the developments that have been newly uncovered by Plaintiff, etc. Most of all, as Plaintiff is publicly posting the documents, audio files, deposition transcripts, falsified and deceitful "court rulings," etc., together with detailed description of the crimes, the entire criminal cartel studies them closely and is being advised on how to act further and align their criminal dealings.

Therefore, the foul criminals are very well aware of the exceptionally powerful case that Plaintiff has compiled against them, and their pathetic lies and perversions of the law, such as in CM/ECF 6 (and in many other "rulings," issued by other criminal and malicious "courts" in related cases), is simply the criminal attempt through more crime and outright deception to block this powerful case and artificially, through whichever crime, trick, deception those foul scumbags can come

up with, to suppress it in the very beginning because the law says that such an extraordinary powerful and substantiated case must be tried by jury, just as Plaintiff requested. Plaintiff repeatedly, hundreds of times cited the applicable Supreme Court's and Ninth Circuit's precedents in her filings in, e.g., No. 21-314 (D. Or.) and an appeal-related documents, but the pathological liars still pretend to "not understand," "unsee," and simply outrageously lie and pervert the law.

Plaintiff's priority mail envelope in which she mailed her CM/ECF 5, 5-1 was stolen by the foul scumbags, sued herein. After criminally keeping the Plaintiff's mail for several days, the deranged psychopaths sent it out of state to Oshkosh, WI. All that time, Plaintiff was emailing to chambers_mosman@ord.uscourts.gov, to advise that her mail is being stolen by the scumbags and she is unable to do anything as the criminals continue tampering with her mail.

Chambers_mosman@ord.uscourts.gov ignored Plaintiff and when she applied to file electronically, explaining again that she was even unable to file anything as the criminals steal her mail, her request was

"denied." Thereafter, as it appears, the criminal cartel decided to deliver Plaintiff's mail to the addressee – the courthouse, and instead "dismiss" Plaintiff's meritorious action – of which they are so afraid due to the truthful powerful narrative and bulletproof evidence against those scumbags – through trickery and cheap deceitful pretense, by "granting" Plaintiff "in forma pauperis" which was not sought, fraudulently purporting to "screen" Plaintiff's complaint under the inapplicable prisoner statute, and through a one-line deceitful sentence criminally "dismiss" Plaintiff's action.

CM/ECF 6 says: "In her Motion for Extension of Time [ECF 5], Plaintiff represents that she is unable to afford the costs of litigation for various reasons and therefore asks for an extension of time to pay the required filing fee. Mot. for Extension of Time [ECF 5] at 2. Given that prose filings must be construed liberally, the Court views this filing as an application to proceed IFP."

These are the contents of the Plaintiff's motion:

> "Plaintiff requests an extension of time to pay filing fee in the above-entitled action. *Landis v. N Am. Co.*, 299 U.S. 248, 254 (1936) authorizes district courts to manage dockets without limitation and the requested relief, considering the circumstances, is proper and should be permitted. See, e.g., No. 22-157 (D. Or.) (allowing 30 days to pay filing fee, then extending the time to pay filing fee for 30 more days).
>
> In support of her request, Plaintiff submits her Letter to an administrator of the appellate court, Chief Judge Mary Murguia. The Letter is attached as Exhibit 1.
>
> Plaintiff filed this action in order to preserve her legal rights after her previous action was improperly terminated. Plaintiff is seeking summary reversal and remand of her previous action. Whether her action be remanded or not, at the time of the filing of this motion, Plaintiff is unable to pay her filing fee because absolutely all her funds were stolen by the criminals and because in the previous action, the district court failed to follow the Federal Rules and award Plaintiff the mandatory costs for failure to waive service. See Letter, attached as Exhibit 1.
>
> To raise/locate/secure the necessary funds to pay this filing fee, Plaintiff requests an extension of time until **September 19, 2022**.
>
> Plaintiff requests that her action will ***not*** be dismissed without a notice and that, in the event this motion is not granted, she'd be allowed at least some additional time to pay her filing fee." CM/ECF 5.

"Various reasons" of being "unable to afford the costs of litigation" is that **1)** Plaintiff has already paid the filing fee in this action; **2)** another filthy district court which also does not respect the law and the Federal

Rules maliciously deprived Plaintiff of the mandatory costs for failure to waive formal service as Plaintiff has already invested thousands of dollars in service costs in the previous action which was simply unlawfully thrown out but the appellate court has been criminally suppressing her appeal. By attaching, as CM/ECF 5-1, a very detailed Letter addressed to Mary Murguia in which Plaintiff details fraud and criminal mishandling of her appeal by the Ninth Circuit, Plaintiff demonstrated that she is taking the most assertive approach to fight the corrupt mishandling of her action; **3)** Plaintiff's all funds have been criminally stolen by the same scumbags, sued herein. The attached Letter makes direct references to the evidence and legal actions that pertain to that criminal stealing.

Notwithstanding those endless crimes and abuse – stealing of all her funds and criminally mishandling and suppressing her actions, including depriving Plaintiff even of the funds that are mandatory and MUST be awarded, per the Federal Rules, Plaintiff still says that she will pay the filing fee, and requests that her action "will ***not*** be

dismissed without a notice and that, in the event this motion is not granted, she'd be allowed at least some additional time to pay her filing fee." CM/ECF 5.

Plaintiff clearly did not ask for any "IFP," and clearly demonstrated the most serious reasons for requesting an extension of time to pay – for the second time – her filing fee: she has already paid it; she has been criminally robbed by the criminals she is suing herein; she has been criminally deprived of the funds to which she is unequivocally entitled as a matter of law.

The district court did not have to pretend that it was "construing liberally" the Plaintiff's filings. Unquestionably, such deceitful pretense has no foundation – Plaintiff attached the Letter to Murguia in which she brilliantly analyzes the law, aptly points out the fraud by the Ninth Circuit's clerk that purports to issue "orders" in excess of its authority, makes cross references to various cases, and demonstrates that she understands the rules and the law perfectly well, and is not intimidated to point out deception and fraud.

Assuming that it was proper to pretend to "not understand" the Plaintiff's submissions and "grant relief" that Plaintiff never sought, it is still improper to purport to "screen" Plaintiff's complaint under the prisoner in forma pauperis statute. Notably, Plaintiff addresses it in her Letter to Murguia, filed as CM/ECF 5-1, page 4, and specifically cites the applicable law. No matter how many times Plaintiff repeats the relevant law, the foul lying "courts" still continue with their deception and scumbaggery.

The Letter, CM/ECF 5-1, page 4, states:

> In *Olivas v. Nevada, ex rel. Dep't of Corr.*, 856 F.3d 1281, 1283 (9th Cir. 2017), it has been stated that only a complaint of a prisoner may be subjected to any screening or dismissal under section 1915.

The prisoner in forma pauperis statute "applies only to claims brought by individuals incarcerated at the time they file their complaints…The district court therefore erred in subjecting them to screening." *Id.*

While reversing the district court, the appellate court noted "that it appears the rigorous screening here did not take all factual allegations as

true and weighed imagined countervailing evidence. And, even if it had been proper to conclude that the Complaint failed to state a claim, leave to amend should be freely given. *See Eminence Capital, LLC v. Aspeon, Inc.*, 316 F.3d 1048, 1051–52 (9th Cir. 2003)." *Olivas v. Nevada, ex rel. Dep't of Corr.*, 856 F.3d 1281, 1284 n.2 (9th Cir. 2017).

The cartoonish and 100% corruptly manufactured 1,5-page "order," CM/ECF 6, which intentionally misuses the law in order to purport to reach a malicious criminal "ruling," contrary to Olivas court did not bother even with "rigorous screening." In fact, the senior member of the criminal cartel made only one fraudulent sentence while purporting to justify the criminal ruling: "Plaintiff's allegations to be without any basis in law or fact and therefore frivolous."

Plaintiff's allegations are factually dense, truthful, powerfully asserted by the sharply analyzed narrative where all events are connected and make sense. Plaintiff references actual documents and evidence that she acquired, examined, and preserved.

The Plaintiff's complaint is remarkably well-presented – in terms of sufficiency and depth of the investigative inquiry. Few people would have such a determination to secure justice and such a persistence and perseverance in pushing against the filthy murderous criminal cartel. Plaintiff has a remarkably strong basis in fact – and it is obvious on its face, contrary to the deceitful and fraudulent district court's claim.

Plaintiff's assertions are also well-grounded in the existing law, which Plaintiff has cited numerous times in her filings, and for the purpose of this notice of appeal it will not be repeated here as the district court's shameful, deceitful, and fraudulent one-line baseless claim that it is not, is not worth an effort.

Finally, CM/ECF 6 shamefully perverts and misapplies the law (which is not applicable anyway because applies only to the prisoner in forma pauperis complaint) by falsely labeling Plaintiff's markedly meritorious and substantiated by the evidence assertions "frivolous," and lies to the public that purportedly the Supreme Court's law authorized such a corrupt and wrong "determination." It cites *Denton v. Hernandez*,

504 U.S. 25, 34 (1992) and *Neitzke v. Williams*, 490 U.S. 319, 320 (1989) in "support" of the lies. That is what Denton and Neitzke actually say:

> "Under § 1915(d)'s frivolousness standard…dismissal is proper only if the legal theory…or the factual contentions lack an arguable basis…Where a complaint raises an arguable question of law…dismissal on the basis of frivolousness is not [appropriate]." *Neitzke v. Williams*, 490 U.S. 319, 320 (1989).

What kind of malicious lying frauds would falsely claim that brilliantly documented, investigated, and meticulously presented Plaintiff's meritorious complaint, which is replete and bursting with serious, sound and substantiated by evidence assertions fit the description above?

> "Section 1915(d) gives the courts "the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless." *Id.,* at 327. Thus, the court is not bound, as it usually is when making a determination based solely on the pleadings, to accept without question the truth of the plaintiff's allegations. However, in order to respect the congressional goal of assuring equality of consideration for all litigants, the initial assessment of the *in forma pauperis* plaintiff's factual allegations must be weighted in the plaintiff's favor. A factual frivolousness finding is appropriate when the facts alleged rise to the

> level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them, but a complaint cannot be dismissed simply because the court finds the allegations to be improbable or unlikely." *Denton v. Hernandez*, 504 U.S. 25, 34 (1992).

Clearly, the shameful and malicious "dismissal" violates the law. On the contrary, the law shows that the Plaintiff's complaint and the assertions are anything but "frivolous."

Once again – Plaintiff never filed any "IFP" applications (although her complaint could not be "screened" and fraudulently "dismissed" under the guise of the inapplicable prisoner in forma pauperis statute anyway). Plaintiff's complaint presents questions of constitutional dimension, and simply because the criminal cartel does not like the truthful, honest, substantiated by the evidence assertions, it has no right to lie and maliciously dispose of the complaint by perverting the law and facts.

Accordingly, that corrupt madness must be reversed and invalidated in its entirety.

Additionally, even if such a "dismissal" were in any way "acceptable," Plaintiff has the absolute right to refile her complaint:

"Because a § 1915(d) dismissal is not a dismissal on the merits, but rather an exercise of the court's discretion under the *in forma pauperis* statute, the dismissal **does not prejudice the filing of a paid complaint making the same allegations**." *Denton v. Hernandez*, 504 U.S. 25, 34 (1992) (emphasis added).

JANE DOE

s/ Jane Doe

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