



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

1 2 3 4 5 6 r~ s 9 1 0 1 1 ' 1 2 1 3 1 4 1 5 1 6 1 7 1 8 1 9 2 0 2 1 2 2 2 3 2 4 2 5 2 6 2 7 2 8

UNITED STATES DISTRICT COURT C ENTRAL DISTRICT OF CALIFORNIA

I n re STEVEN WAYNE BONILLA c ases

Case Nos. CV-18-7603-DMG (JPR) , C V-18-7606-DMG (JPR) , CV-18-7607- DMG (JPR) , CV-18-7724-DMG (JPR) , C V-18-7725-DMG (JPR) , CV-18-7726- DMG (JPR) , CV-18-7696-DMG (JPR) , C V-18-7699-DMG (JPR) , CV-18-7732- DMG (JPR) , CV-18-7735-DMG (JPR) , C V-18-7737-DMG (JPR) , CV-18-8252- DMG (JPR) , CV-18-8253-DMG (JPR) , C V-18-8255-DMG (JPR) , CV-18-8256- DMG (JPR) , CV-18-8257-DMG (JPR) , C V-18-8258-DMG (JPR) , CV-18-8259- DMG (JPR) , CV-18-8869-DMG (JPR) O RDER SUMMARILY DISMISSING C OMPLAINTS AND PETITIONS FOR LACK O F JURISDICTION AND DECLARING P LAINTIFF/PETITIONER A VEXATIOUS L ITIGANT B ACKGROUND O n July 26, 2017, Steven Wayne Bonilla, a death -row prisoner c onvicted in Alameda County and housed in Marin County, filed w hat he styled as "Notice to the Court that the Judgment Is Void ' , o n Its Face." (See Bonilla v. Davis, No. CV-17-5536-DMG (JPR) (C.D. Cal. filed July 26, 2018) , ECF No. 1 at 1.) The Court c onstrued it as a petition for writ of habeas corpus by a person

1 1 1 2 3 4 5 6 7 8 9 1 0 1 1 1 2 1 3 1 4 1 5 1 6 1 7 1 8 1 9 2 0 2 1 2 2 2 3 2 4 2 5 2 6 2 7 2 8

~in state custody under 28 U.S.C. § 2254. He sought his " immediate release" and claimed that if the Court "simply i nspected] the items admitted into evidence at trial (murder b ook) ," it would see that a particular subpoena was "never a dmitted into evidence," making the murder conviction "void on i ts face." (No. 5536, ECF No. 1 at 2.) 1

A s noted, Bonilla was convicted in Alameda County (see id. (noting, "Re: Alameda County Superior Court Case No. H -12210- A")) ; see also Bonilla v. Davis, No. 08-CV-471-YGR, 2015 U.S. D ist. LEXIS 88254, at *1 (N.D. Cal. July 7, 2015) , and is housed a t San Quentin in Marin County (see No. 5536, ECF No. 1 at 1 (listing address)) . In an order transferring the Petition to the N orthern District, in which both of those counties lie, see 28 U .S.C. § 84(a) , this Court noted that Bonilla was a "profligate f iler" of "hundreds of lawsuits and habeas petitions throughout t he Ninth Circuit in the past several years." (No. 5536, ECF No. 3 at 1-2.) The Court explained that a habeas petition must be f iled in either the judicial district in which a petitioner is l ocated or the district in which he was convicted and sentenced, s ee 28 U.S.C. § 2241(d) , and accordingly transferred the matter t o the Northern



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

District. (No. 5536, ECF No. 3 at 2.) The Court also previously noted that he was represented by counsel in his habeas proceedings then pending in that District. (See *Bonilla v. Davis*, No. 17-CV-8126-DMG (JPR) (C.D. Cal. filed Nov. 9, 2017), ECF No. 7 at 2 n.l.) The Petition was thus terminated in

1 Cases filed in this Court are initially cited in full. For the sake of brevity, subsequent references are to the last four digits of the case number.

E 1 2 3 4 5 6 7 8 9 1 0 1 1 1 2 1 3 1 4 1 5 1 6 1 7 1 8 1 9 2 0 2 1 2 2 2 3 2 4 2 5 2 6 2 7 2 8

this District on August 1, 2017.

Despite the Court's detailed explanation about its lack of jurisdiction, Bonilla subsequently filed 43 additional case - initiating documents in this District, all challenging his state murder conviction, and 24 of those cases have since been terminated. He currently has 19 cases pending in this Court, all filed from August to October of this year. He has not paid a filing fee for any of them, and because of his long history of filing frivolous actions, under 28 U.S.C. § 1915(g) he is not eligible for in forma pauperis status. 2 On September 10, 2018, this Court issued an Order to Show Cause Why Plaintiff Should Not Be Declared a Vexatious Litigant. Since then, Bonilla has filed responses in each of the cases listed in the Order (see *infra* sec. II.B.1) and numerous new case -initiating documents as well. 3

z In some of his filings, Bonilla claims that he need not pay a filing fee because "NO FILING FEE is required when the Court is under a DUTY to vacate the judgment and to immediately release the innocent Petitioner pursuant to [356 F.2d 654; F.R.C.P. § 12 (h) (3), 60(4) and (3) FRAUD UPON THE COURT]." (See, e.g., *Bonilla v. Unknown*, No. 18-CV-7606-DMG (JPR) (C.D. Cal. filed Aug. 30, 2018), ECF No. 6 (emphases in original) .) That is, of course, incorrect. The case he cites, *Smith v. Kansas*, 356 F.2d 654 (10th Cir. 1966), has nothing to do with filing fees and was in any event decided in a different Circuit. Federal Rule of Civil Procedure 12(h) (3) is also not about filing fees; it states that a court must "dismiss the action" if it "determines at any time that it lacks subject -matter jurisdiction." Rule 60(b) (3) and (4) also does not concern filing fees but rather relates to relief from a final judgment if it is void or there has been fraud, misrepresentation, or misconduct.

3 See *Bonilla v. Ventura Cnty.*, No. 18-CV-08252-DMG (JPR) (C.D. Cal. filed Sept. 24, 2018), ECF No. 1 at 1 (arguing that "[t]he Court has NO POWER OR AUTHORITY in Petitioner's case to lawfully cite 28 USC § 1915 (g) or petitioner's representation by counsel or any other citations [sic] because it lacks [s] ubj ect [m] atter [j] urisdiction, [b] ut it has a DUTY, owed to t he Petitioner, to pronounce the trial court's [j] udgment a

3 1 2 3 4 5 6 7 ~ 8 1 9 1 0 1 1 1 2 1 3 1 4 1 5 1 6 1 7 1 8 1 9 2 0 2 1 2 2 2 3 2 4 2 5 2 6 2 7 2 8



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

Each response to the Order to Show Cause contains the same baseless argument that "any judgment, order, or transfer by a court lacking subject matter jurisdiction is void on its face; and the [r]eviewing [c]ourt's jurisdiction is LIMITED to reversing the trial court's void judgment." (See, e.g., Bonilla v. Unknown, No. 18-CV-7603-DMG (JPR) (C.D. Cal. filed Aug. 30, 2018), ECF No. 5 at 1; Bonilla v. Unknown, No. 18-CV-7606-DMG (JPR) (C.D. Cal. filed Aug. 30, 2018), ECF No. 5 at 1.) This same argument is made in many of his initial complaints. (See, e.g., Compl. at 1-3, Bonilla v. Rosenbluth, No. 18-CV-7696-DMG (JPR) (C.D. Cal. filed Sept. 5, 2018), ECF No. 1 (noting that "this has [n]othing to do with prison issues, conditions nor confinement [t]he judgment is void on its face [n]o lawful jurisdiction of subject matter nor of person was, nor has been established on the record").) Neither Bonilla's responses to the Order to Show Cause nor the new case-initiating documents provide any persuasive or legitimate reason why he should not be deemed a vexatious litigant. To the contrary, they demonstrate why such an order is necessary.

NULLITY") (emphases in original); Bonilla v. L.A. Cnty., No. 18-CV-08253-DMG (JPR) (C.D. Cal. filed Sept. 24, 2018), ECF No. 1 at 1 (same); Bonilla v. Riverside Cnty., No. 18-CV-08256-DMG (JPR) (C.D. Cal. filed Sept. 24, 2018), ECF No. 1 at 1 (same); Bonilla v. San Luis Obispo Cnty., No. 18-CV-08259-DMG (JPR) (C.D. Cal. filed Sept. 24, 2018), ECF No. 1 at 1 (same); Bonilla v. San Bernardino Cnty., No. 18-CV-08255-DMG (JPR) (C.D. Cal. filed Sept. 24, 2018), ECF No. 1 at 1 (same); Bonilla v. Orange Cnty., No. 18-CV-08257-DMG (JPR) (C.D. Cal. filed Sept. 24, 2018), ECF No. 1 at 1 (same); Bonilla v. Santa Barbara Cnty., No. 18-CV-08258-DMG (JPR) (C.D. Cal. filed Sept. 24, 2018), ECF No. 1 at 1 (same); Bonilla v. L.A. Cnty., No. 18-CV-08869-DMG (JPR) (C.D. Cal. filed Oct. 15, 2018), ECF No. 1 at 2 (arguing that reviewing court has duty to overturn void judgment).

4 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

Accordingly, for the reasons discussed below, all pending petitions and complaints are DISMISSED for lack of jurisdiction, frivolousness, maliciousness, and failure to state a claim, and (Bonilla is declared a vexatious litigant.

BONILLA'S CLAIMS All of Bonilla's actions before this Court challenge his murder conviction and seek his "immediate[] release." (See, e.g., Compl. at 12, Bonilla v. Pham, No. 18-CV-07725-DMG (JPR) (C.D. Cal. filed Sept. 5, 2018), ECF No. 1.) He makes variations of the same arguments in virtually all of them, often including identical portions claiming that "[p]rosecution committed FRAUD UPON THE COURT" (see, e.g., id. at 9 (emphasis in original)), he is attacking jurisdiction [of the trial court], not "the terms of the judgment nor the conditions of confinement" (see, e.g., id. at 15), a subpoena from 1988 never existed and therefore all the evidence against him was tainted (see, e.g., id. at 6-10), and a coroner's report was falsified (see, e.g., id. at 7). The actions for the most part sue various judges and counties (throughout California.

DISCUSSION I. The Court Lacks Jurisdiction over Bonilla's Cases Because



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

Challenges to a Criminal Judgment Must Be Brought in a Pending Habeas Action and Should Be Filed in the County of Conviction Numerous courts (including this one) have repeatedly advised Bonilla that any challenge to his state criminal judgment must be brought in his pending Alameda County federal habeas proceedings, in which he is represented by counsel. (See, e.g., Order

5 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

Transferring Action at 1-2, Bonilla v. All 58 Cnty., No. 18-3259-DMG (JPR) (C.D. Cal. June 1, 2018), ECF No. 3 (noting that Bonilla is represented by counsel in pending habeas action and that this Court lacks jurisdiction to consider his claims)); Bonilla v. All 58 Cnty., No. 18-CV-02222-VC (PR), 2018 WL 2010950, at *1 (N.D. Cal. Apr. 30, 2018) (noting that challenges to state criminal judgment must be brought in pending habeas action). 4 Moreover, such challenges should be brought in Alameda County, where he was convicted and sentenced, or Marin County, where he is imprisoned. See 28 U.S.C. § 2241(d); see also generally Braden v. 30th Jud. Cir. Ct., 410 U.S. 484, 499 n.15 (1973); Laue v. Nelson, 279 F. Supp. 265, 266 (N.D. Cal. 1968); Dubinka v. Mendoza-Powers, No. CV 08-02608-GPS (AN), 2008 WL 1944224, at *1 (C.D. Cal. May 2, 2008).

Nonetheless, Bonilla continues to file actions in this Court. He claims that "[a] party cannot be precluded from raising the question of jurisdiction at any time and in any place. [67 F.R.D. 22; 148 Cal. App. 2d 845; 272 Cal. App. 2d 176, 48 U.S. 495]." (No. 7696, ECF No. 5 at 11.) He further claims that "the [r]eviewing [c]ourt's jurisdiction is LIMITED to reversing the trial court's void judgement. [35 Cal. 4th 180; 759 F.2d 809]." (Id. (emphasis in original).) But the cases Bonilla

4 A review of the Northern District's docket shows that Bonilla's federal habeas petition has been stayed as of December 13, 2016, so that he can exhaust claims in state court. (See Status Rep. at 1, Bonilla v. Davis, No. 4:08-CV-00471 YGR (N.D. Cal. Oct. 1, 2018), ECF No. 393.) A habeas petition has been filed in the California Supreme Court and is pending. (See id. at 2); see also Cal. App. Cts. Case Info., <http://appellatecases.courtinfo.ca.gov/> (search for "Steven" with "Bonilla" in supreme court) (last visited Oct. 30, 2018).

~, 1 2 3 4 5 6 7 8 9 10 11 12 13 14 ~ 15 16 17 18 19 20 21 22 23 24 25 26 27 28

cites do not support his contentions. In Travis Mills Corp. v. Square D. Co., 67 F.R.D. 22 (E.D. Pa. 1975), the court dismissed the action (and vacated the jury's verdict) when it discovered that no diversity jurisdiction existed. See id. at 27-28. That holding bears little resemblance to Bonilla's argument that any court can decide that his trial court lacked jurisdiction and overturn its judgment. (See No. 7696, ECF No. 5 at 11.) The second case he cites concerns a divorce judgment that was remanded after the state court of appeal found that certain parts of the judgment overreached the lower court's jurisdiction. See Carter v. Carter, 148 Cal. App. 2d 845, 850 (1957). Again, that situation is not comparable to the one here. The rest of the cases he relies on are similarly irrelevant. Nowhere does he cite any applicable authority giving this Court, which is in a d



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

different county and district from the one where he was tried and sentenced and where he resides, jurisdiction over claims challenging his murder conviction. His contention that he can raise the question of jurisdiction "in any place" (No. 7696, ECF No. 5 at 11) simply has no basis in the law. Accordingly, his pending cases, which all challenge his murder conviction from Alameda County, must be dismissed for lack of jurisdiction as well as for being frivolous and malicious and failing to state a claim upon which relief may be granted.

7 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

II. Bonilla Is a Vexatious Litigant and Should Be Required To

Obtain Leave of Court Before Filing Any Petition, Complaint, or IFP Application in This District A . Legal standard Central District of California Rule 83-8 governs vexatious litigants.

A vexatious-litigant order "shall be based on a finding that the litigant to whom the order is issued has abused the Court's process and is likely to continue such abuse, unless protective measures are taken." See C.D. Cal. R. 83-8.3. A district court should enter a prefiling order limiting a litigant's access to the court only after a "cautious review of the pertinent circumstances." *Molski v.*

Evergreen Dynasty Corp., 500 F.3d 1047, 1057 (9th Cir. 2007) (per curiam); see also *De Long v. Hennessey*, 912 F.2d 1144, 1149 (9th Cir. 1990) ("[O]rders restricting a person's access to the courts must be based on a adequate justification supported in the record and narrowly tailored to address the abuse perceived."). But "[f]lagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants." *De Lona*, 912 F.2d at 1148.

A court must consider four factors in determining whether to deem a litigant vexatious and issue a prefiling order. See *Molski*, 500 F.3d at 1056-58; *De Long*, 912 F.2d at 1147-48; *Grav v. California*, No. CV 13-0742-JVS (SS), 2014 WL 1325312, at *4 (C.D. Cal. Apr. 2, 2014).

First, the litigant must be given notice and a chance to be heard before the order is entered. Second, the

8 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

district court must compile an adequate record for review. Third, the district court must make substantive findings about the frivolous or harassing nature of the plaintiff's litigation. Finally, the vexatious litigant order must be narrowly tailored to closely fit the specific vice encountered. *Molski*, 500 F.3d at 1057 (citations omitted).

Although the first two factors are procedural in nature, the latter two are substantive considerations — that is, the factors help the district court define who is, in fact, a 'vexatious litigant' and construct a remedy that will stop the litigant's abusive behavior while not unduly



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

infringing on the litigant's right to access the courts." Id. at 1057-58.

B. Analysis Despite being advised in August 2017 that the Central District of California lacks jurisdiction over his claims, Bonilla has filed more than 40 case-initiating documents here since the start of 2018 alone, not to mention his numerous filings in pending and closed cases. Indeed, he has filed hundreds of lawsuits across the state, the vast majority of which have been dismissed as frivolous, malicious, or for failure to state a claim. See, e.g., *Bonilla v. Davis*, No. 16-CV-05046-VC,

5 The Court takes judicial notice of Bonilla's prior filings here as well as in other courts throughout the Ninth Circuit. *United States ex rel. Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (court "may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue"). Bonilla has apparently filed photocopies of the same documents in various courts. (See, e.g., Letter to Mr. Bonilla, *Bonilla v. Unknown*, 4:18-CV-5049-JSW (N.D.

D 1 2 3 4 5 6 7 8 9 1 0 1 1 1 2 1 3 1 4 1 5 1 6 1 7 1 8 1 9 2 0 2 1 2 2 2 3 2 4 2 5 2 6 2 7 2 8

2016 WL 5109995, at *1 & n.1 (N.D. Cal. Sept. 21, 2016) (dismissing claim as frivolous and noting that Bonilla is disqualified from proceeding IFP unless "under imminent danger of serious physical injury" (citing § 1915(8))); *In re Bonilla*, Nos. C 11-6306 CW (PR), C 11-6307 CW (PR), C 12-0026 CW (PR), C 12-0027 CW (PR), & C 12-0206 CW (PR), 2012 WL 216401, at *1, *3 (N.D. Cal. Jan. 24, 2012) (dismissing five civil-rights lawsuits; noting Bonilla's litigation history in Northern District of California, including dismissal of 34 pro se civil-rights actions between June 1 and Oct. 31, 2011, alone; and reminding him that he was no longer permitted to file civil actions IFP); *In re Bonilla*, Nos. C 11-2808 CW (PR), C 11-2823 CW (PR), & C 11-2824 CW (PR), 2011 WL 2433380, at *2 (N.D. Cal. June 16, 2011) (dismissing three civil-rights cases for failure to state claim and noting 13 dismissals three days prior).

In 2016, the Ninth Circuit barred Bonilla from filing any pro se submissions for as long as he was represented by counsel in the district court. (See Order, *Bonilla v. Davis*, No. 16-73383 (9th Cir. Dec. 12, 2016), ECF No. 9.) The court did not (declare him a vexatious litigant but noted that he had previously filed multiple unwarranted pro se challenges in that court to his state-court murder conviction and death sentence. (See id.) 6 In

Cal. filed Aug. 17, 2018), ECF No. 1 (noting that "[t]he documents appear to be copies of the same document mailed to multiple court locations").)

6 A review of the Ninth Circuit's docket shows that Bonilla filed eight actions in that court before the prefiling order took effect. (Cf. Order at 1, *In re Bonilla*, No. 15-16444 (9th Cir. Oct. 21, 2015), ECF No. 4 (denying IFP status because Bonilla had had "three or more prior actions or appeals dismissed as



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

1 0 1 2 3 4 5 6 7 8 9 1 0 1 1 1 2 1 3 1 4 1 5 1 6 1 7 1 8 1 9 2 0 2 1 2 2 2 3 2 4 2 5 2 6 2 7 2 8

X2015, the Northern District of California declared Bonilla a vexatious litigant and barred him from filing new pro se motions (he continues to do so regardless) . See Bonilla, 2015 U.S. Dist. L EXIS 88254, at *4-6; (see also Order at 1, Bonilla, No. 16- 7 3383, ECF No. 9 (noting that Bonilla had filed "more than 200 p ro se filings [in district court] , despite being represented by c ounsel and despite orders directing [him to stop]")) . In 2013, t he Marin County Superior Court declared him a vexatious l itigant. See Marin Cnty. Super. Ct. Pub. Index, [http:// www.marincounty.org/PublicIndex](http://www.marincounty.org/PublicIndex) (search for party "Steven Wayne B onilla" yielding case numbers) (last visited Oct. 30, 2018) ; M arin Cnty. Super. Ct. Register of Actions, [http:// a pps.marincounty.org/BeaconRoA/BeaconROASearch.aspx](http://apps.marincounty.org/BeaconRoA/BeaconROASearch.aspx) (search for c ase type and number CIV 1203101, with result showing that B onilla was declared vexatious on Feb. 20, 2013) (last visited ~ Oct. 30, 2018) .

T he actions at issue here are yet more examples of Bonilla's f lagrant and ongoing disregard for and abuse of the judicial !process. Each of the Molski factors demonstrates that he is a v exatious litigant.

1 . Notice and opportunity to be heard A dequate notice with an opportunity to be heard "is a core r equirement of due process." Molski, 500 F.3d at 1058. On S eptember 10, 2018, the Court issued an Order to Show Cause and i nformed Bonilla that the Court would enter a vexatious -litigant o rder against him unless he showed cause why the Court should not

f rivolous, malicious, or for failure to state a claim") .)

1 1 1 2 3 4 5 6 7 8 9 1 0 1 1 ' 1 2 I 1 3 ' 1 4 I I 1 5 '~ 1 6 1 7 1 8 1 9 2 0 2 1 2 2 2 3 2 4 2 5 2 6 2 7 2 8

do so. The Order discussed the legal and factual grounds for d eclaring him a vexatious litigant and described the c onsequences. Bonilla filed what appear to be responses to the O rder on October 1,' October 12, 8 and October 15, 2018. 9 The r esponses filed on a given date are essentially identical to each o ther. Bonilla also filed duplicate documents under each case n umber asserting that "NO FILING FEE is required when the court i s under a DUTY to vacate the judgment and to immediately release t he innocent Petitioner." (See, e.Q. , No. 7603, ECF No. 6 at 1 (emphasis in original) .)

B onilla does not provide any new information in the o bjections and responses, repeating the same meritless arguments h e has been making in his complaints and petitions. He contends t hat he is "not challenging the terms of the judgment nor the c onditions of confinement" but that "any order by a court lacking

(See Bonilla v. Unknown, No. 18-CV-7607-DMG (JPR) (C.D. C al. filed Aug. 30, 2018) , ECF No. 5; Bonilla v. Ryan, No. 18-CV- 7699-DMG (JPR) (C.D. Cal. filed Sept. 5, 2018) , ECF No. 5; B onilla v. Yabuno, No. 18-CV-7724-DMG (JPR) (C.D. Cal. filed S ept. 5, 2018) , ECF No. 5; No. 7725, ECF No. 5;



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

Bonilla v. Stafford, No. 18-CV-07726-DMG (JPR) (C.D. Cal. filed Sept. 5, 2018), ECF No. 5; Bonilla v. Wright, No. 18-CV-7732-DMG (JPR) (C.D. Cal. filed Sept. 5, 2018), ECF No. 4; Bonilla v. Duffv, No. 18-CV-7735-DMG (JPR) (C.D. Cal. filed Sept. 5, 2018), ECF No. 5; Bonilla v. Hill, No. 18-CV-7737-DMG (JPR) (C.D. Cal. filed Sept. 5, 2018), ECF No. 5.)

8 (See No. 7607, ECF No. 8; No. 7699, ECF No. 8; No. 7725, ECF No. 8; No. 7726, ECF No. 8; No. 7732, ECF No. 7; No. 7735, ECF No. 8; No. 7737, ECF No. 8.)

9 (See No. 7603, ECF No. 5; No. 7606, ECF No. 5; No. 7607, ECF No. 6; No. 7696, ECF No. 5; No. 7699, ECF No. 6; No. 7724, ECF No. 6; No. 7725, ECF No. 6; No. 7726, ECF No. 6; No. 7732, ECF No. 5; No. 7735, ECF No. 6; No. 7737, ECF No. 6; Bonilla v. L.A. Cnty., No. 18-CV-8869-DMG (JPR) (C.D. Cal. filed Oct. 15, 2018), ECF Nos. 5-6.)

12 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

subject matter jurisdiction is void on its face," so the reviewing court has a "duty to pronounce the trial court's judgment a nullity." (See, e.g., No. 7603, ECF No. 5 at 1 (emphases omitted); No. 7606, ECF No. 5 at 1 (same).) He also states that "[a] party cannot be precluded from raising the question of jurisdiction at any time and in any place." (See, e.g., No. 7603, ECF No. 5 at 1 (emphasis omitted); No. 7606, ECF No. 5 at 1 (same).) The responses styled as objections and filed on October 1 contain mostly the same content as the responses filed on October 15, but the objections have lengthy attachments containing repetitive and irrelevant material. (See, e.g., No. 7607, ECF No. 5 at 2, 7, 9-10, 12-14, 24, 30, 33, 37 (asserting that alleged failure to enter 1988 subpoena into evidence necessitates overturning his conviction), 5 (asserting that his complaint about jurisdiction is "not a habeas corpus action"), 10 (arguing that he is "not challenging his conviction or sentence ~but the decision/judgment of the court was rendered without subject matter jurisdiction"); see also No. 7725, ECF No. 1 at 15 (asserting that he is attacking jurisdiction, not "the terms of the judgment nor the conditions of confinement"), 6-10 (claiming that missing subpoena necessitates overturning his conviction).) Although Bonilla's responses to the Order to Show Cause fail to provide any information that would warrant allowing him to continue to file actions in this Court, he clearly has had a adequate notice and an opportunity to be heard.

2. Record for review "An adequate record for review should include a listing of all the cases and motions that led the district court to conclude

1 3 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 ' 18 19 20 21 22 23 24 25 26 27 28

that a vexatious litigant order was needed." De Lona, 912 F.2d at 1147. A district court need not list every case filed by a litigant, but "the record needs to show, in some manner, that the litigant's activities were numerous or abusive." Id.



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

Attached as Exhibit A is a record of Bonilla's cases from

2010-2017 he has initiated the Central District's docket. Since made at least 24 unsuccessful actions in this Court. Each was dismissed for lack of jurisdiction and for being frivolous and malicious and failing to state a claim. (See, e.g., Order Re Request to Proceed Without Prepayment of Filing Fees, Bonilla v. Unknown, No. CV-17-7757-DMG (JPR) (C.D. Cal. Oct. 27, 2017), ECF No. 4 (noting that "his claims are nonsensical and frivolous").) The at least 19 cases that remain pending before this Court are equally meritless. Thus, the Court bases its findings on an adequate record for review. See Molski, 500 F.3d at 1059 (finding that vexatious-litigant decision need not list every case filed by litigant to be adequate); Grav, 2014 WL 1325312, at *5 (finding that exhibit attaching docket record showing 19 unsuccessful actions was sufficient record for review).

3. Substantive findings regarding the frivolous and

harassing nature of Bonilla's litigation The Court's substantive findings regarding the nature of Bonilla's filings "go[] to the heart of the vexatious litigant analysis[.]" Molski, 500 F.3d at 1059. To decide whether a litigant's actions are frivolous or harassing, a court must "look at both the number and content of the filings as indicia of the frivolousness of the litigant's claims." Stimac v. Wieking, 785 F. Supp. 2d 847, 854 (N.D. Cal. 2011) (citing Molski, 500 F.3d at

1412345678910111213141516171819202122232425262728

1058). A litigant's claims "must not only be numerous, but also, be patently without merit." Molski, 500 F.3d at 1059 (citing Moy v. United States, 906 F.2d 467, 470 (9th Cir. 1990)). As previously discussed, Bonilla's claims in this Court are both numerous and meritless. Given the sheer quantity of his filings (see Ex. A), it would be unduly burdensome to address the specifics of each action. The following examples further demonstrate the frivolousness and harassing nature of his litigation in this Court:

Bonilla v. Unknown, No. 17-CV-8202-DMG (JPR) (C.D. Cal. filed Nov. 9, 2017). The Complaint argued that "all of the Judges of the United States District Court" "aided, in collusion with the civil conspiracy, to murder me by depriving me of my guaranteed Constitutional Rights" and "must remove [themselves] from the bench." (Id., Compl. at 1-2, ECF No. 1.) In dismissing the case for lack of jurisdiction, among other reasons, the Court noted that Bonilla had filed "literally hundreds of lawsuits all over the country" and "most of them have [d] been dismissed as frivolous, malicious/or [sic] for failure to state a claim."

Bonilla v. Alameda Cnty. Prosecutor Jon Goodfellows, No. 18-CV-00685-DMG (JPR) (C.D. Cal. filed Jan. 26, 2018). IFP status was denied and the Complaint, which argued that Goodfellows "fraudulently prosecuted the case against the Petitioner for a crime that was never committed, nor ever existed" (id., Compl. at 3, ECF No. 1), was dismissed for, among other reasons, being "[f]



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

rivolous, malicious, or failing] to state a claim" and " lack[ing] jurisdiction."

B onilla v. Alvarez, No. 18-CV-6574-DMG (JPR) (C.D. Cal.

1 5 1 2 3 4 5 6 7 8 9 1 0 1 1 1 2 1 3 1 4 1 5 1 6 1 7 1 8 1 9 2 0 2 1 2 2 2 3 2 4 2 5 2 6 2 7 2 8

filed July 31, 2018) . IFP status was denied and the Complaint " raising jurisdictional question" and claiming that Defendant acted "in concert to aid in the Prosecution's [c]ivil [c]onspiracy to appease the news media" (id. , Compl. at 3, ECF No. 1) was dismissed for, among other reasons, lack of jurisdiction and being "[a]11 three": "[f]rivolous, malicious, [and] fail [ing] to state a claim."

These examples reflect Bonilla's broader pattern of pursuing frivolous litigation in this Court. See Grav, 2014 WL 1325312, at *6 (using select examples to show pattern of frivolous and harassing litigation) . To apparently no avail, this Court has informed him many times that any action challenging his murder conviction must be brought in his pending habeas proceedings, in which he is represented by counsel. Thus, substantive findings militate strongly in favor of limiting his ability to waste the Court's time and resources with future frivolous litigation.

4 . Narrowly tailored vexatious -litigant order A pre-filing order must be "narrowly tailored to the vexatious litigant's wrongful behavior." Molski, 500 F.3d at 1061. An order requiring a plaintiff to obtain leave of court to file any suit may be overbroad when the plaintiff has been litigious with only one group of defendants. See M ~, 906 F.2d at 470. Bonilla has filed frivolous and harassing lawsuits seeking relief from a statewide range of defendants. Moreover, he appears to have no connection to this jurisdiction. Under the circumstances, an order requiring him to obtain leave of court before filing any pro se complaint, petition, or IFP application is an appropriate and narrowly tailored course of action.

1 6 1 2 3 4 5 6 7 8 9 1 0 1 1 1 2 1 3 1 4 1 5 1 6 1 7 1 8 1 9 2 0 2 1 2 2 2 3 2 4 2 5 2 6 2 7 2 8

For all these reasons, Bonilla has abused the Court's (process and is likely to continue to do so unless protective (measures are taken.

ORDER For the foregoing reasons, the pending complaints and petitions are DISMISSED with prejudice, Bonilla is deemed a vexatious litigant, and the Clerk of the Court is directed not to file any pro se petition, complaint, or IFP application from him unless he has previously been granted leave to file the document by a judge of this Court. Bonilla must submit a copy of this Order with any proposed filing. See C.D. Cal. R. 83-8.2 (permitting Court to issue orders such as directives to Clerk not to accept further filings from litigant without written authorization from judge of Court or other such orders as appropriate to control conduct of vexatious litigant) . The Clerk is directed to administratively close all the pending complaints and petitions. LET JUDGMENT BE ENTERED ACCORDINGLY.



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

D ATED: October 31, 2018

DOLLY M. E U NITED TES DISTRICT JUDGE P resented by: lo

J e n Rosenbluth U .S. Magistrate Judge

t o

See C.D. Cal. R. 72-3.2 (authorizing Magistrate Judge to p repare summary -dismissal order for District Judge's signature) .

1 7 FXHY~3~T A CM/E'GF -California Central Dist~ct-Query :Case Search
hops://ect`,cacd.circ9.dcnlcgi-bin/iquery.p175\$27b19E~935972-L_...

s elect A Case

S terven 'Wayne Bonilla is a petitioner in 2 cues.

2 :17-~v-0553 -L?MG-

Steven ~Vaync Bonilla v. Ronald Davis filed 07!26!17 closed 08/01/17 J PR

2 :] 7-cv-08126-UMC% Steven Wayne Bonilla v. I~anald Davis et

~il~d ~ 1I07/I7 closed 11/20/17 J PR al

i ~,~ x i ~~~orza ~ s, ~ o ss ~aM CMIEGF -Gal farnia Central Aistrict-Query : Gxse Search hops://ecf
card.circ9.dcn/c~i-binliquery.pl?582761966935972-L ...

o ~ ~ ! }13~J2t1 l8, l Q; 50 AM GM/ECF -California Central District -Query :Case Search
ht[ps://lecf.~cd.c rc9.dcnl~i-b nfiquery:pl?58~76I~56935972-Ia ...

S elect A Case

S teven Wayne Bonilla is ~ plaintiff in 1S cases.

2 ;17-cv-fl775'7-

Steven Wayne Bonilla v. Unknowv~ filed 1012~~17 cic~se~ lOC~'7/1'7 d MG-JPR

2 ;I7-cv-~8~q2- I ~IvTC3-~#PR



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

Steven Wayne Bonilla v. Unknown filed 11/01/17 closed 11/16/17

2:18-cv-U068S- Steven Wayne Bonilla v. Alameda County

filed 11/26/18 closed 02/05/18 C 3MG-JP-t Prosecutor Jon Goodfellows et al

2:18-cv-0072S- D MG-JPR

Steven Wayne Bonilla v. Jon Goodfellow et al filed 01/29/18 closed 02/01/18

2:18-cv-X0988- Steven Wayne Bonilla v. Santa Barbara County

11/12/18 C 3MG-JP-t O-II L \$ I 3MG-JPR et al

2:18-cv-p7696- Steven Wayne Bonilla v. Sean P. Bluth et

filed 09/05/18 i 3MG-JPR al

2 X 18-cv-07G-9-

Steven Wayne Bonilla v. William C. Ryan filed 09/05/18 D MG-JPR . . .

11/12/18

11/12/18

2:18-cv-07732-

Steven Wayne Bonilla v. Unknown filed 09/05/18 I 3MG-JPR

2:18-cv-0735-

Steven Wayne Bonilla v. Jacquelyn H. Duffy filed 09/05/18 U 3MG-JPR

2:18-cv-17737- D MG-JPR

Steven Wayne Bonilla v. Brian Hill et al filed 09/05/18

2:18-cv-Q82S2-

Steven Wayne Bonilla v. Ventura County filed 09/24/18 b MG-JPR



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

~ ~t~ ~o~3a~a~s, lUSI AM C'M/ECF -California Cengral pistrict-Query ;Case Search- l~tts://ecf
cacti.cir~9.dcnl cgi-bin/iquery.pl'758~7'S 19Cr693597~-L am ,,,.

2 :15 cv 0\$253-

Steven Vr~yne Bonilla v. Lns t~n,~eles County filed 0~/24l18 U MC~-JI'R

~ :l\$~v-08`?56-

Steven Wayne Bonilla rr. Riverside Couniy .filed Q9/24I1\$ I 3MG-JPR

2 : I B-cv-08259- StevetY Wayne \$on lla v. San Luis Obispo

filed 0912401.8 f ~MG-JI'R County

\$:18-cwQ02~7-

Steven Wayne ~3onilla v. Orange County et al tiled 02106/1 cic~s~:d 02/13/I 8 D MG-JPR

~ ~ ~ ~1~t3(~1Zp18, 40:5 i AM CMlE~~' - Califumia Central District -Query :Case Search
hops://ecf.cacdcirc9.dcnfc~i-bin/iquery.pl?5827619b6935972-I ...

S elect A +base

S teven Wayne Bonilla is a ~aetitinner in ~t cases.

2 :18-cv-013U4~D1vIG- Steven Wayne Bonilla v. Venturi County et J PR al

2 : [8-ev-01443-17Mcr- Steven Vi~ayne Bonilla v. San Luis Ubispo . 1'PR Caunty et al

2 : r 8-cv-02515-DMG-

Stever Wayne Bonilla v. Warden J PA

2 :18-cv-03259-bMG-

Steven Bonilla v. All 58 Counties T PR

fzl~d 02/1bf18 closed 02123/18

fi led 02/21/1\$ ctc~s~d 02!2'7/18



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

filed 03/12/18 dosed D4/23f I S

filed 04/15/18 ~lt~sed Ot5/01 / 18

1 of 2 {U!3(1l201g, 10:51 AM GM/~CF - ~a]ifarnia Central District. -Query : Gase Search hops./ecf
caed:c rc9.dcnlcgi-bin/ query,pl'?S8~7b19C~693~9"I2-L_...

n ~' ? ! 013Qf2U 1 ~` 1 ~:5 l AM CM/ECF - California C iral District -Query :Case Search
hops://ecf,cacti.circ9.dcnlcgi-bin/iquery.p125\$27 6 1 9 6693 5 972-L ...

Select A Case

Steven Wayne Bonilla is ~ plaintiff in 19 cases.

2 :18-ev-04U 19-UA

2 : i 8-cv-0~ 194-D~+IGr- JPR

Steven Wayne Bonilla v. Jean P Ros~nbluth filed QSl14l1 S closed Q6129/I S

Steven Wayne Bonilla v. William C. Ryan

2 :_l_8-cv-tl4'~ ~ S-UMG- Steven Wayne ~3c~~u1la v. Rairnundo Mites J PR De Oca

2 :1 ~-cv-flS019-i)MG- :JY~Z

Steven Wayne Bonilla v. Chad ~iretag

2 : i &cv-C~SQ2Q-DMG~ J ~R

2 :18-cv-0021-IJMC- I~'R

2 :18-cv~S 022-1?M+G- JPR

~:1 S-cv-05p~3-DMG- J PR

Steven Wayne Bt~nilia v. Cheri T. Pharr

filed. p5/1 ~/18 closed 0512~l18

filed. 05!2911\$ clas~d x610 ~ Il8



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

~ l~d Of/(?Gf18 cic~s~d U6/11118

fi led~}dladfl\$ closed06/11/t8

S teven Wayne Banitla v. ~lain~ M. Kiief~r filed 06I~ 6 / 1 8 closed Ofll 1J18

S teven Wayne B~ni~la v. I2. Glenn Yabuna filed 06/q6/18 closed Ubi1 l/i S

S teven Wayne Bonilla v. Gregory S. Twill filed t~6J06/l 8 closed 06/l1 1.8

2 .18-cv-05{24-I~MG-

Steven 1Nayne ~3onilla v. Charles E~ Stafford fi led 061 6/1\$ closed fl b/l 1118 J ~'R

2 ;1 S-cv-06574-I~MG- Steven Wayne Bonilla v. Al~ncy Alvarez et

tiled. Q7/3111\$ closed US/17f 1\$ J PR al

2 :18-cv-0~i57b-l~MG-

~teverx Wayne Bonilla v. Kevin J. Lane et al fi led 07/3I/l 8 closed 08I17J18 J I~R

~ ~~-z iar3or~o~~, ~c~.s~ are GMI~GP - Galafiarnia Central Distract -Query : Gase Search
h~tps:l/ecf.cacd.circ~.dcn/cgi-bin/query.pl?~&27 6 I9G~S 9 3 5972-L~...

2 :18-cv-~7q7~UA Steven Wayne Atinilla v. Dolly M. Gee et al fi led 08115/18 closed 10/04/i8

2 ;18-cv~07230-DM+~i-

Steven Wayne Bonilla v. R. ~,vupe ~t al filed 08!17/1 S clased t~8/2l/18 J PR

x :18-cv-07603-1~MG~

Stevenn 'lrrayne Bonilla v. Unkr~c~wn filed ~8/30/1\$ J P~.

2 :1~-cu-076Qb-DMG-

Steven Wayne Bonilla v. Unknown flied 0~l30118 J PR

2 :18-cv-0 60'1-I3MG-



Steven Wayne Bonilla v. Unknown

2018 | Cited 0 times | C.D. California | October 31, 2018

Steven Wayne Banilla v: Unknown ~iled 08/3d/18 J I'R

x ;18-cv-077~5_DM-G-

Steven Wayne ~3on ila v. Cheri T'. sham filed 09/QS/18 J PR.

2 :18-cv-07726-D~MG~

Steven Wayne ~c~nilla v. Firctag et a1 filed 09105/18 J PR

2 :18-cv-~869-I.3MC- Steven Wayne Bonilla v. L..c~s Angeles

filed 1C~/15J1\$ J PI~ County, et al CIvVECF -California Central Disiriet-Qpery :Case Search
<https://ecf.c~rd.citc9,dcnJc~i-bin/qu~ry.p~?582'761,9bG935~72-L~..>

S elect A Case.

S teven W~yn~ Bonilla is a plaintiff in 4 cases.

2 :1~cv~07'7~4-UMG-JPR Steven Wayne Bonilla v. Glynn Ya~runo et al fled 09i0S/18

? :18-cv-p8255-DMG-JPR Steuen Wayne Bonilla v. San ~3ernard no County filed 09/24/l \$'

2 ;1\$-cv-~R?'S?-DMG-JPR Steven Wayne Bonilla v. Oran~~ County f lid 09/2 118

2 :.18-cv-0~~58-DMG-JPR Steven Wayne Bonilla v. Santa Barbra County filed 09l24/~8

1 of 2] E{/30l2f31 ~, l 0:S 1 AM CMI~CF -California Central District -Query :Case Search
<https://ecf.'cacd.circ9.dcn/cgi-bin/iquery.pl?82761966935972-L...>

? ofd I4I~012018, 10:51 AM

