

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Brar v. Apple Inc.

Case No. 1:25-cv-00503-JLT-CDB · No. 1:25-cv-00503-JLT-CDB · Decided June 25, 2025

SUMMARY

The United States District Court for the Eastern District of California denied the plaintiff’s motions to reopen a closed case, obtain miscellaneous orders, and waive court and PACER fees. The court held that the filings were frivolous, did not establish subject-matter jurisdiction or provide grounds for reconsideration, and directed the plaintiff to refrain from filing further frivolous motions.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 25, 2025
DOCKET	1:25-cv-00503-JLT-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to reopen a closed case, obtain a hearing and summons, change the assigned judicial officer, and waive court and PACER fees. The court denied the motions and directed plaintiff to refrain from filing further frivolous motions.
STANDARD OF REVIEW	The court applied a liberal standard in considering whether to construe the filings as motions for reconsideration.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status not stated.

TOPICS

- motion for reconsideration
- subject matter jurisdiction
- civil procedure
- sanctions

PRACTICE AREAS

- Federal civil procedure
- Jurisdiction
- Post-judgment motions

QUESTIONS PRESENTED

1. Whether plaintiff's motions in the closed case should be construed as motions for reconsideration and granted.
2. Whether plaintiff established a basis to reopen the action, set a hearing, issue a summons, change the assigned judicial officer, or waive court and PACER fees after dismissal for lack of subject matter jurisdiction.
3. Whether the motions were frivolous because they relied on an indisputably meritless legal theory and baseless factual contentions.

HOLDINGS

1. Even under a liberal standard, the court declined to construe plaintiff's filings as motions for reconsideration because they identified no authority or new facts supporting relief and ignored the prior determination that subject matter jurisdiction was lacking.
2. The motions were frivolous because they were based on an indisputably meritless legal theory and baseless factual contentions.
3. Plaintiff's motions to reopen the case, obtain related relief, and waive fees were denied, and plaintiff was directed to refrain from filing further frivolous motions in the closed action.

KEY QUOTATIONS

“repetitive or frivolous filings ... may summarily be disregarded.” (at 2)

“Accordingly, Plaintiff’s motions are frivolous as they are based on an indisputably meritless legal theory and baseless factual contentions.” (at 2)

FACTUAL BACKGROUND

Plaintiff, proceeding pro se, filed an action against Apple, Inc. The court previously determined that subject matter jurisdiction was lacking and dismissed the complaint without leave to amend. In the closed case, plaintiff filed motions seeking to reopen the matter, set a hearing, change the judicial officer, issue a summons, and waive court and PACER fees, without identifying authority or new facts supporting that relief.

PROCEDURAL HISTORY

Plaintiff filed the action on April 30, 2025. After ordering plaintiff to show cause regarding subject matter jurisdiction, the court issued findings and recommendations to dismiss, and the assigned district judge adopted them on May 16, 2025, dismissing the complaint without leave to amend. Plaintiff then filed three motions seeking miscellaneous relief in the closed case.

DISPOSITION

other

CASES CITED

- Neitzke v. Williams, 490 U.S. 319, 324, 327 (1989)
- Brar v. California, No. 1:25-CV-00136-JLT-CDB, 2025 WL 1263140, at *2 (E.D. Cal. May 1, 2025)
- Brar v. United States, No. 1:25-CV-00504-JLT-CDB, 2025 WL 1696100, at *2 (E.D. Cal. June 17, 2025)
- United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980)

OPINION

Brar v. Apple Inc.

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 TANBEER SINGH BRAR, Case No. 1:25-cv-00503-JLT-CDB 12 Plaintiff, ORDER
DENYING PLAINTIFF’S MOTIONS

FOR MISCELLANEOUS RELIEF IN CLOSED

13 v. CASE 14 APPLE, INC., (Docs. 13, 14, 15) 15 Defendant. 16 17 Background 18 Plaintiff
Tanbeer Singh Brar (“Plaintiff”), proceeding pro se, initiated this action with the 19 filing of a
complaint on April 30, 2025. (Doc. 1). On May 2, 2025, the Court ordered Plaintiff to 20 show
cause why this action should not be dismissed for lack of subject matter jurisdiction. (Doc. 21 3).
Plaintiff filed his response on May 5, 2025. (Doc. 5). On May 7, 2025, the undersigned issued 22
findings and recommendations to dismiss the action for lack of subject matter jurisdiction. (Doc.
23 7). On May 16, 2025, the assigned district judge adopted the findings and recommendations
and 24 dismissed the complaint without leave to amend. (Doc. 11). Accordingly, the case was (and
25 remains) closed. 26 On May 22, 2025, Plaintiff filed a document labeled “motion to reopen set
hearing,” dated

27 May 18, 2025. (Doc. 13). On June 23, 2025, Plaintiff filed two documents, one titled “motion
for

request for orders on these subject matters” and another titled “motion to waive fees.” (Docs. 14, 1
15). 2 Discussion 3 In Plaintiff’s “motion to reopen set hearing” (Doc. 13), Plaintiff begins by
asserting that the 4 “court cannot violate my rights if [I’m] representing ‘pro se’, and after
declaring obstruction, error 5 or peremptory challenge in this court case the clerk is require to
remove judicial officer Jennifer 6 [L.] [T]hurston to get heard this motion by new assigned
officer.” Id. at 1. Plaintiff then contends 7 that this is a “request to new assigned officer to this case
to read the orders attached [Doc. 7] and 8 [Doc. 11] and determine what is the reason behind to
orders in this way and who is behind this 9 obstruction of judicial system.” Id. at 2. 10 Plaintiff
appears to assert that there is “proper jurisdiction of this court” and requests the 11 Court to
“reopen this case and set court hearing and summon to other party.” Id. Plaintiff then 12 states that
“plaintiff (me) is residence citizen of this same state of California and living in county 13 of Kern
... this case and diversity of states jurisdiction is appropriate by the [defendant] which is 14 the

business and register in this same state of California and also have headquarter in this same 15 state of California.” Id. at 9. Plaintiff then asserts that “this matter is interstate in which both 16 parties are from state of California. In which not required any terms of minimum amount in 17 controversy ...” Id. 18 Plaintiff cites to an inapplicable criminal statute for the proposition that the Court “have to 19 order for protection right way.” Id. at 11. Plaintiff concludes by requesting that the Court “[c]hange 20 judicial officer and [r]eopen this court case and take action against all of them behind obstruction 21 of justice.” Id. at 12. 22 Plaintiff also has filed a “motion for request for orders on these subject matters.” (Doc. 14). 23 Plaintiff asserts therein that the Court “reopen this matter,” issue summons, and waive all fees. Id. 24 at 1. Plaintiff’s third filing, titled “motion to [waive] fees,” asks the Court to waive all Court fees 25 as well as PACER fees until he receives recovery, presumably from Defendant. (Doc. 15). 26 In sum, Plaintiff purports to seek to “reopen” this closed case but does not identify any 27 authorities he contends authorize this Court to grant any such relief and advances no new facts, 1 | applying a liberal standard, the undersigned declines to construe Plaintiff’s motions as a motion for 2 | reconsideration. Cf. Local Rule 230(j). As recounted above, the motions ignore the Court’s findings 3 | (Docs. 7, 11) and, in fact, appear to reconfirm that subject matter jurisdiction is lacking. 4 | Accordingly, Plaintiff’s motions are frivolous as they are based on an indisputably meritless legal 5 | theory and baseless factual contentions. See *Neitzke v. Williams*, 490 U.S. 319, 324, 327 (1989). 6 | As Plaintiff was forewarned in two other actions, “repetitive or frivolous filings ... may summarily 7 | be disregarded.”! See *Brar v. California*, No. 1:25-CV-00136-JLT-CDB, 2025 WL 1263140, at *2 8 | (E.D. Cal. May 1, 2025); *Brar v. United States*, No. 1:25-CV-00504-JLT-CDB, 2025 WL 1696100, 9 | at *2 (E.D. Cal. June 17, 2025). Thus, Plaintiff’s motions will be denied. 10 Conclusion 11 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motions for miscellaneous relief 12 | (Docs. 13, 14, 15) are DENIED. 13 Plaintiff is DIRECTED to refrain from filing further frivolous motions in this closed 14 | action. 15 | IT IS SOORDERED. '©| Dated: _ June 25, 2025 | Word bo 17 UNITED STATES MAGISTRATE JUDGE 18 19 20 21 22 23 24 25 26 27 28 ' The Court may take judicial notice of court records. *United States v. Wilson*, 631 F.2d 118, 119 (9th Cir. 1980).