

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Kuang-Bao Paul Ou-Young v. Patrick D. Robbins, et al.

Ou-Young · No. 25-cv-08983-CRB · Decided January 14, 2026

SUMMARY

The United States District Court for the Northern District of California partially grants Defendants’ motion for entry of a third prefiling order against pro se Plaintiff Kuang-Bao Paul Ou-Young. The order requires Plaintiff to obtain leave before filing additional in propria persona civil actions in that district against the Clerk of Court or employees of the U.S. Attorney’s Office and to attach copies of this order and two prior federal prefiling orders.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Charles R. Breyer
JURISDICTION	United States District Court for the Northern District of California
DECIDED	January 14, 2026
DOCKET	25-cv-08983-CRB
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved for entry of a third prefiling order against pro se Plaintiff Kuang-Bao Paul Ou-Young. The court resolved the motion without oral argument and granted it in part.
STANDARD OF REVIEW	The court applied the Ninth Circuit's requirements for issuance of a prefiling order under the All Writs Act: notice and opportunity to be heard, an adequate record for review, narrow tailoring, and substantive findings that the litigant's conduct is frivolous or harassing.
PRECEDENTIAL VALUE	Unknown
PARTIES	Kuang-Bao Paul Ou-Young v. Patrick D. Robbins, Pamela T. Johann, Kelsey Helland, Mark B. Busby

TOPICS

- sanctions
- injunctions
- civil procedure
- remedies

PRACTICE AREAS

Civil procedure

Federal courts

Vexatious litigant restrictions

Remedies

QUESTIONS PRESENTED

1. Whether the court had authority under the All Writs Act to impose a third prefiling order against Plaintiff.
2. Whether Plaintiff received notice and an opportunity to be heard before entry of the prefiling order.
3. Whether the record adequately demonstrated numerous or abusive litigation activity and frivolous or harassing conduct.
4. Whether the requested prefiling restriction was narrowly tailored.
5. What filing restrictions and documentation requirements should apply.

HOLDINGS

1. Under the All Writs Act, a district court may enjoin a litigant with an abusive and lengthy litigation history from filing further actions when the litigant receives notice and an opportunity to be heard, the record is adequate for review, the order is narrowly tailored to the specific abuse, and the court makes substantive findings that the litigant's conduct is frivolous or harassing.
2. Plaintiff received adequate notice and an opportunity to be heard because Defendants filed the motion and Plaintiff filed an opposition; an in-person hearing or oral argument was not required.
3. The record was adequate and established that Plaintiff's litigation activity was numerous, repetitive, frivolous, and harassing.
4. The prefiling restriction had to be narrower than Defendants requested and was limited to Plaintiff's in propria persona civil actions in the Northern District of California against Clerk of Court Mark Busby or any employee of the U.S. Attorney's Office.
5. The underlying lawsuit was frivolous because its conspiracy theory was insubstantial or wholly implausible, the claims did not establish waiver of sovereign immunity, and the claims lacked adequate factual and jurisdictional support.

KEY QUOTATIONS

“Before entering a prefiling order, the Court must find that (1) the litigant was given notice and an opportunity to be heard, (2) there is an adequate record for review, and (3) the order is “narrowly tailored to closely fit the specific vice encountered.”” (at 1)

“For the foregoing reasons, Plaintiff must obtain leave of the Court before filing any additional in propria persona civil actions in the Northern District of California against Clerk of Court Mark Busby or any employee of the U.S. Attorney’s Office.” (at 4)

FACTUAL BACKGROUND

The record showed that Plaintiff had brought fifty-one cases in the Northern District of California, all of which had been dismissed after judicial review, and had two prior federal prefiling screening orders and at least two California state vexatious-litigant orders. Plaintiff continued filing repetitive and frivolous lawsuits against federal employees, including court staff and federal officials, and allegedly attempted to circumvent prior prefiling orders by amending complaints to add new federal defendants. The underlying action alleged, among other things, a conspiracy concerning service of filings and violations related to Rule 5-1(b).

PROCEDURAL HISTORY

Plaintiff filed a federal action against federal officials. Defendants sought a third prefiling order based on Plaintiff's repeated frivolous and harassing litigation and his two prior federal prefiling orders. The court found the requirements for a narrowly tailored prefiling injunction satisfied and imposed a limited leave-to-file procedure.

DISPOSITION

other

CASES CITED

- De Long v. Hennessy, 912 F.2d 1144, 1147-48 (9th Cir. 1990)
- Molski v. Evergreen Dynasty Corp., 500 F.3d 1047, 1057, 1059 (9th Cir. 2007)
- Pac. Harbor Cap., Inc. v. Carnival Air Lines, Inc., 210 F.3d 1112, 1118 (9th Cir. 2000)
- Ou-Young v. Roberts, No. C-13-4442-EMC, 2013 WL 6732118, at *8, *11 (N.D. Cal. Dec. 20, 2013)
- Ou-Young v. Stone, No. 5:19-cv-7000, 2019 WL 6619879 (N.D. Cal. Dec. 5, 2019)
- Ou-Young v. County of Santa Clara, No. 5:21-cv-7361-BLF, 2022 WL 1471411, at *3, *6 (N.D. Cal. May 10, 2022)
- Ou-Young v. Robbins, No. 25-mc-80234-TLT, 2025 WL 2772692, at *3 (N.D. Cal. Sept. 29, 2025)
- Ou-Young v. California, No. 25-mc-80316-AMO, 2025 WL 2917317, at *2-4 (N.D. Cal. Oct. 14, 2025)
- Tyler v. Travelers Commercial Ins. Co., 499 F. Supp. 3d 693, 701 (N.D. Cal. 2020)

OPINION

1 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 FOR THE NORTHERN DISTRICT
OF CALIFORNIA 7 8 KUANG-BAO PAUL OU-YOUNG, Case No. 25-cv-08983-CRB 9
Plaintiff, ORDER GRANTING IN PART 10 v. MOTION FOR ENTRY OF THIRD PREFILING
ORDER 11 PATRICK D. ROBBINS, et al., 12 Defendants. 13 Now pending is a motion by
Defendants Patrick D. Robbins, Acting U.S. Attorney, 14 Pamela T. Johann, Chief, Civil Division,
U.S. Attorney's Office, Kelsey Helland, Assistant 15 U.S. Attorney, U.S. Attorney's Office, and
Mark B. Busby, Clerk, U.S. District Court, for 16 the entry of a third prefiling order against pro se
Plaintiff Kuang-Bao Paul Ou-Young.

See 17 Vex. Mot. (dkt. 17); Reply (dkt. 22). Plaintiff has opposed this motion. See Opp'n (dkt. 18 20).¹ The Court finds this matter suitable for resolution without oral argument pursuant to 19 Civil Local Rule 7-1(b), VACATES the hearing previously set for February 13, 2026, and 20 GRANTS the motion in part. 21 Under the All Writs Act, 28 U.S.C. § 1651(a), district courts have the power to 22 enjoin "litigants with abusive and lengthy histories." *De Long v. Hennessy*, 912 F.2d 23 24 1. The opposition does not respond to the points Defendants make in their motion.

Rather, 25 it argues incorrectly that "all of the issues raised in the motion have been addressed in district judge Eumi K. Lee's Order authorizing Filing of Complaint in case 5:25-mc- 26 80245-EKL." *Id.* at 1 (citing Opp'n Ex. A (dkt. 20-2)). This is wrong, as Judge Lee's order merely held that the complaint did not implicate the two existing pre-filing orders.

27 See Opp'n Ex. A. Because he does not address any of Defendants' arguments, Plaintiff concedes them. See *Tyler v. Travelers Commercial Ins. Co.*, 499 F. Supp. 3d 693, 701 1 1144, 1147 (9th Cir. 1990); *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057 (9th 2 Cir. 2007).

Before entering a prefiling order, the Court must find that (1) the litigant was 3 given notice and an opportunity to be heard, (2) there is an adequate record for review, and 4 (3) the order is "narrowly tailored to closely fit the specific vice encountered." *De Long*, 5 912 F.2d at 1147–48.

The Court must make "substantive findings as to the frivolous or 6 harassing nature of the litigant's actions." *Id.* at 1148 (citation omitted). The Court hereby 7 extends the prefiling order as to Plaintiff. 8 First, Plaintiff was given notice and an opportunity to be heard. Defendants filed 9 their motion for the entry of a third prefiling order on December 23, 2025, see *Vex*.

Mot., 10 and Plaintiff filed an opposition on December 29, 2025, see Opp'n. This satisfies the 11 notice requirement. See *Pac. Harbor Cap., Inc. v. Carnival Air Lines, Inc.*, 210 F.3d 1112, 12 1118 (9th Cir. 2000); *Ou-Young v. Roberts*, No. C-13-4442-EMC, 2013 WL 6732118, at 13 *8 (N.D. Cal. Dec. 20, 2013). "The first *De Long* factor does not require an in-person 14 hearing.

Courts in this circuit have held that a motion to declare a litigant vexatious does 15 not require oral argument." *Ou-Young v. Roberts*, 2013 WL 6732118, at *8. 16 Second, there is an adequate record for review. An adequate record is one that 17 "show[s], in some manner, that the litigant's activities were numerous or abusive." *De 18 Long*, 912 F.2d at 1147.

Here, the record shows that Plaintiff is a vexatious litigant with 19 two previous federal court prefiling screening orders,² and at least two California state 20 vexatious litigant orders. See *Vex*. Mot. at 1, n.3. The record also shows that, 21 notwithstanding those orders, Plaintiff continues to file repetitive and frivolous lawsuits 22 against a slew of federal employees, from court staff to President Biden.

Bernardoni Decl. 23 Ex. A (dkt. 17-2). The Court is aware of fifty-one cases brought by Plaintiff in this 24 District. See *id.* (listing cases). All have been dismissed after judicial review. See Vex. 25 26 2 The first was in *Ou-Young v. Roberts*, 2013 WL 6732118, at *11, in 2013, pertaining to certain criminal statutes and the parties named in that case, and the second was in *Ou- 27 Young v. Stone*, No. 5:19-cv-7000, 2019 WL 6619879 (N.D.

Cal. Dec. 5, 2019), in 2019, pertaining to federal judges. The court in the latter order held that Plaintiff had filed 1 Mot. at 2. After one suit is dismissed, Plaintiff brings another suit alleging that the 2 government actors in the earlier suit conspired to deprive him of his rights; he files 3 motions to disqualify the judges involved in his previous cases, as in this case, and/or he 4 sues the judges in subsequent cases.

Id. Plaintiff repeats this pattern in successive lawsuits, 5 undeterred by previous dismissals. *Id.* Indeed, since the second pre-filing order, Plaintiff 6 has attempted to file complaints naming federal officials in another 30 cases. *Id.* at 6 7 (citing Bernardoni Decl. Ex. A).

In some of those cases, Plaintiff attempted to “end-run 8 the applicable pre-filing review orders” by amending his complaints after filing them, 9 adding new federal defendants. *Id.* (citing *Ou-Young v. Cnty. of Santa Clara*, No. 5:21-cv- 10 7361-BLF, ECF No. 26 at 3 (N.D. Cal. Mar. 15, 2022)). His cases have all been dismissed 11 as meritless, frivolous, or harassing.

Id. at 6, 8 (citing *Ou-Young v. Cnty. of Santa Clara*, 12 No. 5:21-cv-7361-BLF, 2022 WL 1471411, at *6 (N.D. Cal. May 10, 2022) (“Plaintiff’s 13 insistence on repeatedly asserting claims that have been dismissed—in some instances 14 multiple times—shows that Plaintiff is acting in bad faith.”)); see, e.g., *Ou-Young v. 15 Robbins*, No. 25-mc-80234-TLT, 2025 WL 2772692, at *3 (N.D.

Cal. Sept. 29, 2025) 16 (case is frivolous); *Ou-Young v. California*, No. 25-mc-80316-AMO, 2025 WL 2917317, 17 at *2–4 (N.D. Cal. Oct. 14, 2025) (case is frivolous). Accordingly, both the number and 18 content of Plaintiff’s lawsuits support the granting of Defendants’ motion. See *Molski*, 19 500 F.3d at 1059 (citing *De Long*, 912 F.2d at 1148). 20 Third, this order is narrowly tailored.

While Defendants ask the Court to enter a 21 pre-filing order requiring that Plaintiff get a judge’s permission prior to filing “any civil 22 action in propria persona against any federal employee,” the Court limits this order to 23 Clerk of Court Mark Busby or any employee of the U.S. Attorney’s Office. Those are the 24 defendants in this case. See FAC ¶¶ a2–a5.

To any federal complaint that Plaintiff seeks 25 to file in propria persona—either original complaints or amended complaints—Plaintiff 26 must attach a copy of this order, as well as the two previous federal pre-filing orders.

In the event that one of Plaintiff's state court complaints is removed to this District, Plaintiff shall 1 removal. Failure to comply with these processes shall be grounds for dismissal by the 2 general duty or assigned judge in this District. 3 Fourth, the Court holds that the underlying lawsuit in this action is frivolous.

As 4 explained in the Court's separate order dismissing the FAC, the first claim, alleging a 5 conspiracy between officials from two branches of government not to serve him with two 6 filings, violates the substantiality doctrine. See *Ou-Young v. Cnty. of Santa Clara*, 2022 7 WL 1471411, at *3 (district court lacks jurisdiction over "bizarre or wholly implausible 8 conspiracy theories").

Both claims in the FAC fail to establish that the United States 9 waived sovereign immunity. The first claim further fails because it does not allege how 10 and when the Defendants conspired to violate Plaintiff's rights, ¶ c1, and the second claim 11 further fails because the conduct Plaintiff complains of does not involve case-initiating 12 filings that would be subject to Rule 5-1(b), Plaintiff does not allege that Defendants were 13 involved in enacting Rule 5-1(b), and Plaintiff does not allege how he was injured by Rule 14 5-1(b), see id. ¶ c2.

The underlying lawsuit thus continues Plaintiff's pattern of bringing 15 frivolous and harassing cases against these and like defendants notwithstanding previous 16 dismissals. There is no reason for this Court to believe that Plaintiff will stop filing 17 frivolous lawsuits against Defendants going forward. 18 For the foregoing reasons, Plaintiff must obtain leave of the Court before filing any 19 additional in propria persona civil actions in the Northern District of California against 20 Clerk of Court Mark Busby or any employee of the U.S. Attorney's Office.

To any federal 21 complaint that Plaintiff seeks to file—either original complaints or amended complaints— 22 Plaintiff must attach a copy of this order, as well as the two previous federal prefiling 23 orders. In the event that one of Plaintiff's state court complaints is removed to this 24 District, Plaintiff shall file this order, as well as the two previous federal prefiling orders, 25 within two weeks of removal.

Failure to comply with these processes shall be grounds for 26 dismissal by the general duty or assigned judge in this District. 27 // 1 IT IS SO ORDERED. 2 Dated: January 14, 2026 Cc / CHARLES R. BREYER 3 United States District Judge 4 5 6 7 8 9 10 11] 12 13 15 16 Zz 19 20 21 22 23 24 25 26 27 28