

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Chiu v. The President of US

No. 2:25-cv-0157 TLN AC PS · No. No. 2:25-cv-0157 TLN AC PS · Decided March 20, 2025

OPINION

(PS) Chiu v. The President of US

PER CURIAM.

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7 UNITED STATES DISTRICT COURT

8 FOR THE EASTERN DISTRICT OF CALIFORNIA

9

10 TAIFUSIN CHIU, No. 2:25-cv-0157 TLN AC PS

11 Plaintiff, ORDER TO SHOW CAUSE

WHY PLAINTIFF SHOULD NOT BE

12 v. DECLARED A VEXATIOUS LITIGANT

13 THE PRESIDENT OF US,

14 Defendant. 15

16 Plaintiff is proceeding in this action in pro se, and the case is accordingly referred to the 17 undersigned for pretrial proceedings pursuant to Local Rule 302(c)(21). Finding that plaintiff has 18 an extensive history of frivolous and repetitive litigation in this district, the undersigned hereby 19 orders plaintiff to show cause as to why he should not be declared a vexatious litigant and 20 subjected to pre-filing conditions, which will be made applicable to this case and each of 21 plaintiff's pending and future lawsuits. Plaintiff has 30 days to respond to this order to show 22 cause. 23 I. Overview 24 On January 13, 2025, plaintiff filed the complaint in this action, along with a request to 25 proceed in forma pauperis. ECF Nos. 1, 2. As set forth more fully below, plaintiff Taifusin Chiu 26 is a serial litigant whose cases are routinely dismissed upon filing. Considering Mr. Chiu's 27 litigation history, which is detailed below, he shall be required to show cause why the court 28 should not deem him a vexatious litigant and impose pre-filing conditions upon him before he 1 may proceed with this case or file any other lawsuits in this district. 2 II. Legal Standard 3 The district courts have the power under the All Writs Act, 28 U.S.C. § 1651(a), to issue 4 pre-filing orders that restrict a litigant's ability to initiate court proceedings. *De Long v. 5 Hennessey*, 912 F.2d 1144, 1146 (9th Cir. 1990). "[S]uch pre-filing orders are an extreme 6 remedy that should rarely be used." *Molski v. Evergreen Dynasty Corp.*, 500 F.3d 1047, 1057 7 (9th Cir. 2007). However, "[f]lagrant abuse of the judicial process cannot be tolerated because it 8 enables one person to preempt the use of judicial time that properly could be used to consider the

9 meritorious claims of other litigants.” De Long, 912 F.2d at 1148. Before entering a pre-filing 10 order, the court must: (1) give the litigant notice and a chance to be heard before the order is 11 entered; (2) compile an adequate record for review; (3) make substantive findings about the 12 frivolous or harassing nature of the plaintiff’s litigation, and (4) narrowly tailor the vexatious 13 litigant order “to closely fit the specific vice encountered.” Molski, 500 F.3d at 1057. 14 The first and second factors “are procedural considerations”; the third and fourth factors 15 “are substantive considerations” that help the district court “define who is, in fact, a ‘vexatious 16 litigant’ and construct a remedy that will stop the litigant’s abusive behavior without unduly 17 infringing the litigant’s right to access the courts.” Id. at 1057-58. As to the substantive factors, 18 the Ninth Circuit has found a separate set of considerations (employed by the Second Circuit 19 Court of Appeals) provide a helpful framework. Ringgold-Lockhart v. County of Los Angeles, 20 761 F.3d 1057, 1062 (9th Cir. 2014) (citing Molski, 500 F.3d at 1058). They are: 21 (1) the litigant’s history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; 22

(2) the litigant’s motive in pursuing the litigation, e.g., does the 23 litigant have an objective good faith expectation of prevailing?; 24 (3) whether the litigant is represented by counsel; 25 (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; 26 and 27 (5) whether other sanctions would be adequate to protect the courts and other parties. 28 1 Molski, 500 F.3d at 1052 (quoting Safir v. U.S. Lines, Inc., 792 F.2d 19, 24 (2d Cir. 1986)). 2 Additionally, the Eastern District has adopted California’s “vexatious litigant” laws. See 3 Local Rule 151(b) (adopting Cal. Civ. Proc. Code §§ 391–391.8). These laws were “designed to 4 curb misuse of the court system by those persistent and obsessive litigants who, repeatedly 5 litigating the same issues through groundless actions, waste the time and resources of the court 6 system and other litigants.” Shalant v. Girardi, 51 Cal. 4th 1164, 1169 (2011). The vexatious– 7 litigant statute “provide[s] courts and nonvexatious litigants with two distinct and complementary 8 sets of remedies.” Id. at 1171. First, a plaintiff may be required to furnish security, meaning a 9 requirement for the litigant to “assure payment . . . of the party’s reasonable expenses, including 10 attorney’s fees . . . incurred in or in connection with a litigation instituted . . . by a vexatious 11 litigant.” Cal. Civ. Proc. Code § 391. If the plaintiff fails to furnish the security, the action will 12 be dismissed. Id. Second, the court may impose a prefiling order that prevents a plaintiff from 13 filing any new case in propria persona. Id. (citing Cal. Civ. Proc. Code § 391.7). 14 III. Analysis 15 For the reasons that follow, the undersigned tentatively concludes that Mr. Chiu’s 16 litigation history demonstrates a pattern of frivolous, repetitive, and harassing complaints that 17 calls for him to be deemed a vexatious litigant. See De Long, 912 F.2d at 1146. 18 A. Notice and Opportunity to Be Heard 19 The first Molski factor, ensuring procedural due process, is satisfied where the court 20 notifies the litigant that it is considering a vexatious litigant order, provides details about the 21 scope of the proceedings, and allows for the litigant to respond to the court’s concerns. Ringgold- 22 Lockhart,

761 F.3d at 1063. This Order to Show Cause provides notice to Mr. Chiu that the court is considering deeming him a vexatious litigant and is considering entering a comprehensive pre-filing order that would apply to all future lawsuits. A full description of this potential pre-filing order can be found in Section D below. Mr. Chiu is being provided the opportunity to explain in writing why he should not be declared a vexatious litigant, and to state any objections he has to the contemplated terms of a pre-filing order. Plaintiff's response to this Order to Show Cause should be submitted to the court no later than 30 days from the date of this Order.

B. Adequate Record for Review

Turning to the second Molski factor, the undersigned has reviewed the dockets related to plaintiff's previous lawsuits in this court and lists those cases below. "An adequate record for review should include a listing of all the cases and motions that led the district court to conclude that a vexatious litigant order was needed." De Long, 912 F.2d at 1147. A district court compiles a proper record for review where a complete list of the cases filed by the litigant, alongside those complaints, accompanies the vexatious litigant order. Ringgold-Lockhart, 761 F.3d at 1063. Plaintiff has filed at least 27 cases in this district, including the instant case. All previous cases have been unsuccessful, dismissed at the outset as frivolous. Plaintiff's previous cases in this court, of which the undersigned takes judicial notice, are:

1. Chiu v. Donald Trump/Storage/Choke Me Story, 2:22-cv-0764 KJM AC (dismissed at the outset as legally frivolous);
2. Chiu v. President of the United States, 2:22-cv-0809 TLN DB (dismissed at the outset as legally frivolous);
3. Chiu v. President of the U.S., et al., 2:22-cv-01853 DAD AC (voluntarily dismissed after Findings and Recommendations were issued recommending dismissal at the outset as legally frivolous);
4. Chiu v. Saechou, 2:23-cv-0094 DAD KJN (dismissed at the outset as legally frivolous);
5. Chiu v. Saechou, et al., 2:23-cv-0095 KJM KJN (dismissed at the outset as legally frivolous);
6. Chiu v. Consumes River College., 2:23-cv-0096 TLN CKD (dismissed at the outset as legally frivolous);
7. Chiu v. President of U.S., et al., 2:23-cv-0097 DJC JDP (dismissed at the outset as legally frivolous);
8. Chiu v. President of U.S., et al., 2:23-cv-0098 KJM JDP (dismissed at the outset as legally frivolous);
9. Chiu v. Extra Storage Space, 2:23-cv-0099 KJM AC (dismissed at the outset as legally frivolous);
10. Chiu v. President of US, et al., 2:23-cv-0835 DJC JDP (dismissed at the outset as legally frivolous);
11. Chiu v. Unknown., 2:23-cv-1053 KJM KJN (dismissed at the outset as legally frivolous);
12. Chiu v. The President of the US, et al., 2:23-cv-01199 DJC CKD (dismissed at the outset as legally frivolous);
13. Chiu v. Bank of America, et al., 2:23-cv-1200 KJM JDP (dismissed at the outset as legally frivolous);
14. Chiu v. Bank of America, 2:23-cv-1201 KJM AC (dismissed at the outset as legally frivolous);
15. Chiu v. Iu Mien Church, et al., 2:23-cv-2215 KJM CKD (dismissed at the outset for failure to state a claim and failure to establish jurisdiction);
16. Chiu v. Trump, 2:23-cv-2626 TLN JDP (dismissed at the outset as legally frivolous);
17. Chiu v. President of US, et al., 2:23-cv-0401 DJC KJN (dismissed at the outset as legally frivolous);
18. Chiu v. All Churches Outside Culture, et al., 2:24-cv-0427 TLN JDP (dismissed at the outset as legally frivolous);
- 19.

Chiu v. Iu Mein Church, 2:24-cv-01412 DAD CSK (case open, Findings and 18 Recommendations to dismiss at the outset as frivolous are pending); 19 20. Chiu v. President of US Donald Trump, et al., 2:24-cv-01738 KJM AC (dismissed at the 20 outset as legally frivolous); 21 21. Chiu v. President of US, et al., 2:25-cv-0154 DJC SCR (case open, Findings and 22 Recommendations to dismiss at the outset as frivolous are pending); 23 22. Chiu v. President of US, et al., 2:25-cv-0155 DAD JDP (case open, Findings and 24 Recommendations to dismiss at the outset as frivolous are pending); 25 23. Chiu v. President of US, et al., 2:25-cv-0156 DJC SCR (case open, Findings and 26 Recommendations to dismiss at the outset as frivolous are pending); 27 24. Chiu v. President of US, et al., 2:25-cv-0157 TLN AC (case open, Findings and 28 Recommendations to dismiss at the outset as frivolous are pending); 1 25. Chiu v. President of US, et al., 2:25-cv-0406 DJC AC (case open, Findings and 2 Recommendations to dismiss at the outset as frivolous are pending); 3 26. Chiu v. President of US, et al., 2:25-cv-0407 TLN SCR (case open, Findings and 4 Recommendations to dismiss at the outset as frivolous are pending); 5 27. Chiu v. Trump, et al., 25-cv-0704 DJC AC (present case). 6 In every case he has filed, plaintiff has asked to proceed in forma pauperis (“IFP”) 7 pursuant to 28 U.S.C. § 1915. The court is required to screen complaints brought by parties 8 proceeding in forma pauperis. See 28 U.S.C. § 1915(e)(2); see also *Lopez v. Smith*, 203 F.3d 9 1122, 1129 (9th Cir. 2000) (en banc). Pursuant to this screening requirement, every case plaintiff 10 has filed that has been adjudicated to date has been dismissed as frivolous on its face. The cases 11 that remain open are all pending District Judge review of Findings and Recommendations to 12 dismiss as frivolous. No case has survived screening. 13 C. The Frivolous or Harassing Nature of Mr. Chiu’s Litigation 14 “[B]efore a district court issues a pre-filing injunction . . . it is incumbent on the court to 15 make substantive findings as to the frivolous or harassing nature of the litigant’s actions.” *De Long*, 912 F.2d at 1148. The Ninth Circuit has adopted the Second Circuit’s framework on this 17 prong, which requires the court to consider the litigant’s history, motives, representation by 18 counsel, as well as the expense to others or burdens on the court and the possibility of other 19 sanctions. *Ringgold-Lockhart*, 761 F.3d at 1062; *Molski*, 500 F.3d at 1058 (quoting *Safir*, 792 F.2d at 24). For the reasons now explained, the weight of these considerations supports a 21 substantive finding that Mr. Chiu has engaged in frivolous and harassing behavior by filing the 22 lawsuits listed above. 23 (1) Mr. Chiu’s history of vexatious, harassing lawsuits. 24 As stated above, each of the 26 lawsuits that Mr. Chiu filed in this district prior to the 25 instant suit have been immediately dismissed at the IFP screening stage as frivolous, establishing 26 an exceptionally strong pattern of frivolous and vexatious litigation. Mr. Chiu has been expressly 27 and repeatedly warned about the potential that he will be declared a vexatious litigant if he 28 continues to file frivolous lawsuits, yet the frivolous complaints continued. See, e.g., *Chiu v. President of US*, 2:24-cv-0401-DJC-KJN, ECF No. 3 at 3 (“VEXATIOUS LITIGANT 2 WARNING” with explanatory paragraph); *Chiu v. Bank of America*, 2:23-cv-1201- KJM-AC, 3 ECF No. 3 at 3, n.1. Mr. Chiu’s history of frivolous, vexatious lawsuits is readily apparent from 4 his litigation history.

5 (2) Mr. Chiu's motive and the lack of objective good faith expectation of 6 prevailing 7 The
complaint in this case is again frivolous, containing no cause of action and no specific 8
allegations against any defendant. ECF No. 1. The complaint begins as follows: "999 USD 9
Gizmodo Number President Show Down and USD Infinite President Show down[.] Maximum 10
Number to Infinite Number USD President[.] Achievement versus no achievement[.] Restrict 11
versus picky[.]" ECF No. 1 at 2. The court will make no findings as to plaintiff's motive until it 12
has the opportunity to consider his response to this order to show cause. However, the court notes
13 that the litigation history appears to be objectively inconsistent with any rational and good faith
14 expectation that the complaint in this case could pass the screening process associated with IFP
15 status, much less prevail. 16 (3) Mr. Chiu's lack of counsel 17 In every one of the actions Mr.
Chiu has filed, he has proceeded pro se and in forma 18 pauperis. Though courts are generally
protective of pro se litigants, the undersigned finds this 19 factor cannot outweigh the burdens
imposed by Mr. Chiu's abusive litigation tactics. 20 (4) Mr. Chiu has posed an unnecessary burden
on the courts and their personnel 21 Mr. Chiu's repetitive frivolous litigation has imposed an
unnecessary burden on the 22 personnel of this court. Employees in the Clerk's office must
repeatedly scan and file his 23 frivolous complaints, which judges in this court must review (and
given his history, dismiss); the 24 Clerk's office must then mail out these orders. 25 It is apparent
that Mr. Chiu has no intention of discontinuing his repeat litigation. It is 26 currently only the
third month of the year 2025, and Mr. Chiu has already filed seven actions: 27 2:25-cv-00154 DJC
SCR; 2:25-cv-00155 DAD JDP; 2:25-cv-00156 DJC SCR; 2:25-cv-00157 28 TLN AC; 2:25-cv-
00406 DJC AC; 2:25-cv-00407 TLN SCR; and 2:25-cv-00704 DJC AC. 1 Accordingly, unless the
court halts Mr. Chiu's actions, the court concludes that his litigation will 2 continue to pose an
unnecessary burden on the court and its personnel. 3 (5) Availability of Alternative Sanctions. 4 As
set forth above, plaintiff has been repeatedly cautioned against filing repetitive 5 litigation.
Admonitions have had no effect. Repeated dismissals of complaints as frivolous has 6 had no
effect. The undersigned concludes that the only way to end Mr. Chiu's abusive and 7 frivolous
litigation is to consider a restrictive pre-filing order. 8 D. Narrowly Tailored Vexatious Litigant
Order 9 Under the contemplated pre-filing order, Mr. Chiu will not be permitted to initiate any 10
new actions unless he submits alongside his complaint (1) a declaration under penalty of perjury
11 explaining why he believes he has meritorious claims; (2) a declaration listing all previous
actions 12 he has filed in this court or any other court; identifying named defendants and all
claims made in 13 the previous actions; certifying as to the newly submitted case that the
defendants have not been 14 sued before or that any claims against previous defendants are not
related to previous actions; 15 stating that the current claims are not frivolous or made in bad
faith; and declaring that he has 16 conducted a reasonable investigation of the facts—an
investigation which supports his claims; 17 and (3) a cover page including the following words in
all capital letters at the top of the front
18 page: "PLAINTIFF HAS BEEN DECLARED A VEXATIOUS LITIGANT IN CASE NO.

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19 cv-0704 DJC AC PS.” 20 Under the contemplated order, if a proposed filing does not contain all the above, the 21 Clerk of the Court shall be directed to lodge (not file) it and the Court shall not review it. If 22 plaintiff submits an action as a self-represented litigant accompanied by the documents described 23 above, then the Clerk of the Court will be directed to open the matter as a miscellaneous case to 24 be considered by the General Duty Judge of this Court. The General Duty Judge shall determine 25 whether the case constitutes frivolous, repetitive, or otherwise barred litigation. If the General 26 Duty Judge in his or her discretion determines that the proposed lawsuit is frivolous, repetitive, or 27 otherwise barred, he or she will dismiss the action without comment pursuant to the contemplated 28 pre-filing order.] The requirements of the contemplated prefiling order shall be waived if plaintiff’s filing is 2 || made on his behalf by a licensed attorney at law in good standing who signs the filing as the 3 || attorney of record for plaintiff. 4 The court is also contemplating requiring Mr. Chiu to submit substantial monetary 5 || security before service of process, barring him from use of the in forma pauperis motion under 28 6 || U.S.C. § 1915(a)(1), and/or limiting the number of other motions he may file, pursuant to Local 7 || Rule 151(b) and Cal. Civ. Proc. Code § 391.

8 ORDER

9 Accordingly: 10 1. Plaintiff is hereby ORDERED to show cause in writing why he should not be 11 declared a vexatious litigant under the Court’s inherent powers and under 12 California law, see Cal. Civ. Proc. Code § 391 and L.R. 151(b); 13 2. Plaintiff is hereby notified that under a vexatious litigant designation, a pre— 14 filing order may be imposed, which may: 15 a. require security be posted to maintain cases, see Cal. Civ. Proc. Code § 391.1 16 et seq.; 17 b. restrict the filing of new cases via a pre-filing order, see Cal. Civ. Proc. Code § 18 391.7; and 19 c. limit the number of motions plaintiff may maintain in a single case, including a 20 limitation on his use of the in forma pauperis motion; 21 3. Plaintiff may submit a written response to this order on or before April 18, 22 2025; 23 4. The Clerk of the Court is directed to serve this Order on Mr. Chiu at his listed 24 address and is further directed to serve him at the public counter when he next 25 appears.

26 IT IS SO ORDERED. ~

27 || DATED: March 19, 2025 Hthren— Lhar—e_

ALLISON CLAIRE

28 UNITED STATES MAGISTRATE JUDGE