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4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
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7 **EUGENE E. FORTE,**

8 **Plaintiff**

9 **v.**

10 **COUNTY OF MERCED, et al.,**

11 **Defendants.**

CASE NO. 1:11-cv-0318 AWI BAM

**MEMORANDUM OPINION AND ORDER
DENYING RECONSIDERATION OF
MAGISTRATE JUDGE’S ORDER
DENYING LEAVE TO SUPPLEMENT
AND ORDER ADOPTING
RECOMMENDATION TO APPLY
TERMINATING SANCTIONS AND
RELATED ORDERS**

Doc. #'s 279 & 300

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15 On January 5, 2015, plaintiff Eugene Forte (“Plaintiff”) filed a motion to supplement his
16 First Amended Complaint (“FAC”) to add defendant parties and claims based on facts and
17 circumstances that allegedly came to light after the FAC was filed (hereinafter, the “Motion to
18 Supplement”). The proposed supplement added, among others, defendants and claims that had
19 been previously dismissed with prejudice by the court by an order issued on January 11, 2012,
20 Doc. # 96. On February 3, 2015, the Magistrate Judge issued an order, (the “February 3 Order”)
21 denying Plaintiff’s motion to supplement. The same order also recommended that Defendants’
22 motion for terminating sanctions for bad faith conduct, Document Number 279 be granted.
23 Plaintiff filed an objection to the portion of the February 3 Order denying the motion for leave to
24 supplement the complaint on February 9, 2015. Doc. # 303. Plaintiff later filed an objection to
25 the portion of the February 3 Order recommending the application of terminating sanctions on
26 April 16, 2015. Doc. # 322. For the reasons that follow, the court will adopt in whole the
27 Magistrate Judge’s February 3 order denying leave to supplement the complaint and will order
28 terminating sanctions.

1 A more generalized way of reaching the same conclusion is to observe that a substantial
2 part of Plaintiff's effort in seeking to expand the scope of this action has been to seek redress for
3 the proceeding in Superior Court that found him incompetent to stand trial in a criminal matter.
4 Plaintiff has objected strenuously to the opinion of Dr. Blak, who opined during the competency
5 hearing in Superior Court that Plaintiff suffers from a "delusional disorder" involving delusions
6 with both persecutory and grandiose aspects. See Doc. # 121-2 at 53:9-54:16. If it were
7 Plaintiff's goal to discredit Dr. Blak's opinion, then he would have assiduously avoided conduct
8 that is consistent with Dr. Blak's opinion.

9 The court also concludes that Plaintiff is unable to understand the rational inconsistency of
10 seeking to go forward in this action – with or without the expansion of claims that have been
11 previously dismissed – while at the same time accusing the court of conspiracy against him.
12 Plaintiff has alleged this court, its judges and court staff, are part of the conspiracy whose
13 existence Plaintiff is struggling to expose. No litigant capable of rational reflection would
14 purposefully seek to attack or discredit the forum in which he or she is required to try their claims.
15 Courts in general are aware of the reasons and purposes behind their orders. And this court in
16 particular has set forth its reasons and purposes in the various orders filed in this case. When a
17 court is accused by a litigant of having motives and purposes that are contrary to those the court
18 expresses, a court cannot reasonably be expected to give credence to the litigant's viewpoint in
19 that regard. This court can only conclude that whatever benefit Plaintiff feels he could gain by
20 seeing this action through to completion by following the court's orders has been overwhelmed by
21 Plaintiff's belief that the court is an adversary to be attacked.

22 Finally, and perhaps most disturbing, the court notes that Plaintiff's writings, including his
23 Opposition to the February 3 Order, continue to be laced with references to the sorts of vindictive
24 and frankly sadistic fantasies he envisions will be visited upon those who have aggrieved him once
25 justice is finally done.¹ Phrases such as "nailing [a miscreant's] tongue to the floor" or having an
26 adversary "hauled away in handcuffs" evince a badly distorted notion of the purposes of civil law.

27 ¹ See, e.g., Dr. Blak's observation of similar behavior at Doc. # 121-2 at 55:5-18; Doc. # 322 at 37:11-14 (public
28 de-robing of Judges McAuliffe and Ishii; Doc. # 263 at 4 n.4 (compiling abusive remarks made by Plaintiff and
directed at the court and others).