

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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KHOR CHIN LIM,

Plaintiff,

OPINION AND ORDER

v.

12-cv-552-bbc

SCOTT WALKER, JOHN J. McALARY,  
DIANE F. BOSSE, BRYAN R. WILLIAMS,  
ROBES S. McMILLEN, E. LEO MILONAS,  
MICHAEL COLODNER, STAPLES, INC.,  
RON SARGANT, CITY OF MILPITAS,  
JOSE ESTEVES, MARK GRIFFITHS, DREW WINTERS,  
BOARD OF REGENTS OF UNIVERSITY OF WISCONSIN SYSTEM,  
GOH CHOK TONG, QUEST DIAGNOSTICS, INC.,  
KENNETH W. FREEMAN, SURYA MOHAPATRA,  
MARK KHOO, FRANK VAN ORDEN,  
MITT ROMNEY, ED GALLARDO, LAURIE SMITH,  
SARAH HOLIDAY, M. MILLER,  
BAYMONT INNS AND SUITES, BARBARA B. CRABB,  
FRANK EASTERBROOK, WILLIAM BAUER,  
ANN WILLIAMS, J.B. VAN HOLLEN,  
RONALD HACKER, AMIRE SAM DIBAEI,  
YOK LAW, LLOYD SMITH LLC,  
MATTHEW PALMER, LLOYD SMITH,  
JOSE S. ESTEVES, JOHN REID, CHARLES N. CLEVERT and  
DOES 1 through 18, inclusive,

Defendants.  
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Plaintiff Khor Chin Lim has filed a complaint against Governor Scott Walker, in his personal and official capacity, 40 other named defendants, including me, and 18 “fictitiously named” individuals. Plaintiff alleges that all of these defendants have conspired to violate

the law in diverse ways. Plaintiff also has filed a motion to consolidate this case with two other pending complaints that he has filed in the United States District Court for the Eastern District of Wisconsin.

Plaintiff is proceeding pro se and has paid the filing fee. Despite his payment of the fee, it is necessary to screen his complaint under 28 U.S.C. § 1915(e)(2) before allowing service on the defendants. Hoskins v. Poelstra, 320 F.3d 761, 763 (7th Cir. 2003); Rowe v. Shake, 196 F.3d 778, 783 (7th Cir. 1999). The court must dismiss the complaint if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune. 28 U.S.C. § 1915(e)(2)(B). In screening any pro se litigant's complaint, the court must construe his claims generously. Haines v. Kerner, 404 U.S. 519, 521 (1972).

After considering all of the pleadings, and plaintiff's litigation history, I am denying his motion and dismissing this case as frivolous and malicious because the allegations are either repetitive of claims he has made in other suits and because most of his claims are fanciful or wholly incredible. The proposed complaint sets out the following allegations of fact.

#### ALLEGATIONS OF FACT

Plaintiff Khor Chin Lim is a resident of Janesville, Wisconsin. Some of the defendants, including Wisconsin Governor Scott Walker, are domiciled in Wisconsin. Others are domiciled in other states or in countries outside the United States. Defendants

John J. McAlary, Diane F. Bosse, Bryan R. Williams, Robes S. McMillen, E. Leo Milonas and Michael Colodner are members of the New York State Board of Law Examiners, located in Albany, New York. Defendant Quest Diagnostics, Inc., has a corporate headquarters located in New Jersey, where Defendant Surya Mohapatra is its present Chairman and CEO. Defendant Kenneth Freeman, who was Chairman and CEO of Quest Diagnostics from 1996 through 2004, resides in Massachusetts. Defendant Mark Khoo is a physician and a resident of the State of California. Defendant Frank Van Orden is a psychiatrist who also resides in California. Defendant Goh Chok Tong is a citizen of Singapore.

Staples, Inc., is a corporation with its headquarters located in Framingham, Massachusetts, where defendant Sargent is its Chairman and CEO. Defendants Ricky and Elizabeth Lau are residents of the State of California. Defendant Wiatr LLC is a business located in Chicago, Illinois. Lloyd M. Smith, S.C., is described as a “dentistry business,” where defendants Lloyd M. Smith and Matthew G. Palmer are employed. Defendant J.B. Van Hollen is the Wisconsin attorney general.

Defendant Frank H. Easterbrook is a judge who serves on the United States Court of Appeals for the Seventh Circuit and a resident of Illinois, as are defendants William J. Bauer and Ann Claire Williams. Defendants Rudolph T. Randa, Charles N. Clevert, and Lynn Adelman are district judges serving the Eastern District of Wisconsin in Milwaukee.

Defendant Yok Law is a resident of the State of California in the City of Milpitas. Defendant John Reid is a judge and a resident of California in Santa Monica. Defendant Ronald Hacker is a resident of California who does business in Los Angeles. Defendant Amir

Sam Dibaei is an attorney who reportedly represents defendant Hacker and “Bag Fund LLC” in a case (Case No. SC112269) that is pending in the Superior Court of California in Los Angeles. Defendant City of Milpitas is located in the State of California. Defendant Jose S. Esteves is mayor of the City of Milpitas.

Defendant Mitt Romney is an individual resident of Massachusetts. Defendant Ed Gallardo, Sarah Holiday and M. Miller are police officers employed by the City of Milpitas, California, where these defendants reside. Defendant Lauri Smith is sheriff of Santa Clara County and a resident of California. Defendant Baymont Inn and Suites is a hotel carrying on business in Rockford, Illinois.

Defendant Goh Chok Tong is a Court of Appeals Justice and “purported expert on land law in Singapore.” Together with Justice L.P. Thean, Goh Chok Tong violated the law by drafting a judgment that dismissed a claim brought by plaintiff’s previous employer, Lee Kai Corporation, in what plaintiff characterizes as “stupid reasoning of unprecedented magnitude . . . [of] a level never seen in history.” After news of the judgment “leaked” to the news media, Goh Chok Tong hired a “hit-man to [throw] a brick at plaintiff” in the restroom of the “NUS law library.” The brick hit plaintiff in the back of the head. Since that time, Goh Chok Tong has continued to prey upon plaintiff as part of a personal and political vendetta.

In 1995, plaintiff was dismissed from the University of Wisconsin - Milwaukee after an instructor suggested that he seek “counseling to withdraw.” Plaintiff quit attending classes in 1996 through 1997.

From 1998 through 2002, Defendants Khoo and Van Orden, with the help of Defendant Quest Diagnostics and their executives, drew blood from plaintiff and recommended a liver biopsy.

Plaintiff had more academic difficulties at the University of Dubuque in 2005, when a professor there asked him to get “speech lessons.” Another professor at the University of Dubuque accused plaintiff of plagiarism. Plaintiff received a diploma, but had to pay late fees because he was forced to spend time in a hospital for an unspecified condition.

Plaintiff worked for defendant Ronald Hacker in Los Angeles, from 2010 through 2011, but was never paid. In 2011, plaintiff returned to Janesville, Wisconsin, where his bank “fraudulently manipulated” his accounts. Then, “totally out of nowhere,” the reference librarian at the UW-Madison library and other “cronies” of defendant Scott Walker asked plaintiff to explain himself. Plaintiff was falsely arrested by UW-Madison Police, who took the laptop that he was using to prepare an appeal against his bank.

Defendant Walker aided and abetted defendant Goh Chok Tong by interfering in a series of lawsuits that plaintiff filed in the United States District Court for the Eastern District of Wisconsin, including: Lim v. Marvin Hellenbrand, No. 12-cv-296; Lim v. Walgreens, Inc., No. 12-cv-168; Lim v. Mark Griffiths, No. 12-cv-264; Lim v. Quest Diagnostics, Inc., No. 11-cv-875; and Lim v. New York State Board of Law Examiners, No. 11-cv-429.

All of the defendants have “acted in concert, in conspiracy with Mitt Romney and Scott Walker,” “to inflict harm on plaintiff, and the conspiracy, aiding and abetting among

the defendants is ongoing.” Plaintiff purchased cough medicine at Walgreens on October 23, 2011, which caused him to “feel drowsy” and go “to sleep.” Several days later, on October 28, 2011, plaintiff purchased some “diet mountain dew” from Walgreens, which caused “severe pain” in his stomach and back. On October 31, 2011, plaintiff purchased unspecified “drugs” at Target, which “exacerbated the problem caused by the diet mountain dew.” Pharmacists employed by Target “subsequently sent emails harassing plaintiff.” Defendants Randa, Clevert and Adelman failed to prevent this harm by ruling on motions for a temporary restraining order that plaintiff had filed against Walgreens and Target.

In February of 2012, defendant Wiatr, “trading in the style as Discount Locker, fraudulently induced plaintiff to engage their service to rekey the lock of [his] car door.” A “service technician” employed by defendant Wiatr duplicated the key to plaintiff’s car illegally and distributed copies to all of the named defendants. On numerous occasions, defendants have “trespassed” by entering his car and stealing items “ranging from mobile phones, clothing, accessories, etc.”

In state court litigation involving defendant Hacker and his attorney, defendant Dibaei, defendant Reid refused to recuse himself as the presiding judge of that action (Case No. SC112269), which pending in the Superior Court of California. Defendant Reid has “imposed sanctions and ordered discovery” without any jurisdiction in that case.

Defendant Lau “fraudulently induced” plaintiff to rent a room in San Gabriel, California. Defendant Lau did so “to inflict harm on plaintiff” by stealing items of plaintiff’s personal property, including his “partial bridge.” Dentists employed at defendant Lloyd M.

Smith S.C. then “fraudulently induced plaintiff to engage their services only to mail to plaintiff a defective ‘partial bridge.’”

Defendants Easterbrook, Bauer and Williams presided over one of his appeals to the Seventh Circuit and voted wrongfully to deny his motion to recuse in Case No. 12-1265 and took other actions without jurisdiction in connection with several other civil actions that were dismissed by the Eastern District of Wisconsin. Defendant Van Hollen had “no power” to defend Governor Walker or to appear in any of the proceedings that were dismissed by the Eastern District.

Plaintiff was assaulted at a Staples store in August 2011. The assault was committed by a person who purported to be the store “manager,” but was actually a “hired bouncer/gangster” intent on inflicting physical or bodily injury on plaintiff. A similar assault occurred on April 18, 2012, in front of a “tea house” known as the “Half and Half” in Pasadena, California, where “two Asian men attempted to commit battery” and to “assassinate plaintiff by trying to provoke plaintiff” and to inflict harm by causing a fight. Defendants are responsible for these incidents.

On May 9, 2012, defendant Esteves, as Mayor of the City of Milpitas, caused the water supply to plaintiff’s residence at 170 Rose Drive to be filthy, rendering the premises uninhabitable. Thereafter, on June 18, 2012, defendant Law instituted proceedings in the Superior Court of California, in Santa Clara County, to evict plaintiff from his residence. Defendant Law then called the City of Milpitas Police to remove plaintiff from the property. During the eviction process, defendant Gallardo pointed his pistol at plaintiff and other

police officers engaged in actions that constituted “apprehension, amounting to false arrest and inflicted severe emotional distress.”

Plaintiff was charged with a felony after police officers printed out a picture taken from “the closed circuit television” at a fitness center, which showed plaintiff with a knife. The arrest was false and he was the victim of the police and a “group of hit-men who surrounded plaintiff in the locker room in the fitness center.”

Plaintiff received a low score of 77 on the Multistate Professional Responsibility Exam (MPRE), which is administered by the National Conference of Bar Examiners. The National Conference of Bar Examiners has refused his repeated requests to recheck the score and to disclose the method used for computing his score.

After taking the New York bar exam in February 2012, plaintiff received a low score of 601, which was “way below the 665 required to pass the exams.” By reporting plaintiff’s failure to the New York Bar, the New York Board of Law Examiners has engaged in fraud. Plaintiff has been denied the ability to practice immigration law.

## OPINION

Plaintiff is various combinations of defendants with engaging in deceit, fraud, intentional misrepresentation, libel, breach of statutory duties, false arrest, false imprisonment, breach of contract, breach of fiduciary duties, assault, battery and abuse of legal process. He contends claims that all defendants are vicariously liable as conspirators and for aiding and abetting the wrongful actions of the others and he seeks punitive damages



and injunctive relief against all defendants. Plaintiff also asks this court to consolidate his complaint with two of the cases he filed in the Eastern District of Wisconsin: Lim v. Marvin Hellenbrand, No. 12-cv-296 and Lim v. Walgreens, Inc., No. 12-cv-168. Plaintiff maintains that consolidation is warranted because all of these actions involve “common questions of law and fact.”

At the outset, I note that plaintiff has added me as a defendant in this case. His sole claim is that, on July 25, 2012, I dismissed his case in Khor Chin Lim v. Scott Walker, et al., 12-cv-492 (W.D. Wis.), and that the dismissal was “without basis[.]” Dkt. #1 at 19, ¶ 80a. Plaintiff has not filed a formal motion to recuse, but he alleges that “there exists a conflict of interest which forbids [me] from assuming jurisdiction.” Id. There are statutes that authorize recusal of judges for “personal bias or prejudice,” 28 U.S.C. §§ 144 and 455, but plaintiff does not suggest that these apply.

By themselves, judicial rulings are not a sufficient basis for recusal. Litekey v. United States, 510 U.S. 540, 555 (1994). These statutes were not “intended to enable a discontented litigant to oust a judge because of adverse rulings.” Id. at 549. Because plaintiff does not identify any basis for inferring personal bias or prejudice, I decline to recuse myself.

Although plaintiff has paid the filing fee, I have a duty to “screen the complaint and dismiss frivolous or transparently defective suits spontaneously.” Hoskins v. Poelstra, 320 F.3d 761, 763 (7th Cir. 2003); Rowe v. Shake, 196 F.3d 778, 783 (7th Cir. 1999). In that respect, a district court may dismiss a complaint “at any time,” notwithstanding the payment

of any filing fee, if the reviewing court determines that the action is (1) frivolous or malicious; (2) fails to state a claim on which relief may be granted; or (3) seeks money damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(b). To proceed with a complaint alleging “a vast, encompassing conspiracy,” a plaintiff must meet “a high standard of plausibility.” Cooney v. Rossiter, 583 F.3d 967, 971 (7th Cir. 2009).

Although pro se pleadings are entitled to a liberal construction, Haines, 404 U.S. at 521, a pro se complaint is subject to dismissal as frivolous if it lacks an arguable basis in fact or law. Neitzke v. Williams, 490 U.S. 319, 325 (1989). A complaint lacks an arguable basis in fact when the plaintiff’s allegations are so “fanciful,” “fantastic,” and “delusional” as to be “wholly incredible.” Denton v. Hernandez, 504 U.S. 25, 32-33 (1992) (citing Neitzke, 490 U.S. at 325). Stated another way, a complaint is factually frivolous if its allegations are “bizarre, irrational or incredible.” Edwards v. Snyder, 478 F.3d 827, 829 (7th Cir. 2007) (citations omitted).

In this case, plaintiff repeats many of the same allegations he made in other lawsuits that he filed previously in the federal district courts. Many of his allegations repeat those that were dismissed previously in Khor Chin Lim v. Scott Walker, 12-cv-492 (W.D. Wis. July 25, 2012). Other claims repeat those made in other cases involving allegations of conspiracy, which have been dismissed as frivolous. Lim v. BMO Financial Group, 11-cv-666 (E.D. Wis. Jan. 19, 2012); Lim v. Walker, No. 11-cv-708 (E.D. Wis. Sept. 14, 2011); Lim v. Courtcall, Inc., No. 11-cv-748 (E.D. Wis. April 30, 2011); Lim v. Staples Inc., No. 11-cv-866 (E.D. Wis. Nov. 17, 2011); Lim v. Lim, No. 11-980 (E.D. Wis. Oct. 21, 2011);

Lim v. Courtcall, Inc., No. 12-cv-5 (E.D. Wis. Jan. 19, 2012); Lim v. New York State Bd. of Law Examiners, 12-cv-429 (E.D. Wis. July 13, 2012). Plaintiff's claims against defendants Mark Khoo and Frank Van Orden have been dismissed for lack of personal jurisdiction. Khor Chin Lim v. Mark Khoo and Frank Van Orden, 11-cv-875 (E.D. Wis. July 10, 2012), but his claims against defendants Quest Diagnostics, Inc., Surya Mohapatra and Kenneth Freeman remain pending. Khor Chin Lim v. Quest Diagnostics, Inc., 11-cv-875 (E.D. Wis.).

Repetitive allegations of the sort made by plaintiff are considered malicious and are not allowed. Lindell v. McCallum, 352 F.3d 1107, 1109-10 (7th Cir. 2003) (citing Pittman v. Moore, 980 F.2d 994, 995 (5th Cir. 1993) (noting that it is "malicious" for pro se litigant to file lawsuit that duplicates allegations of another pending federal lawsuit by same plaintiff). Courts do not allow litigants, whether represented by counsel or proceeding pro se, to pursue claims that have been raised and rejected previously by other federal courts. Hagee v. City of Evanston, 729 F.2d 510, 514 (7th Cir. 1984) (explaining that doctrine of res judicata is designed to protect litigants from facing multiple lawsuits and "to enhance judicial economy by prohibiting repetitive litigation").

Plaintiff's complaint is frivolous as well. His allegations are so implausible as to be wholly incredible. Neitzke, 490 U.S. at 325. His federal law claims will be dismissed as either frivolous or malicious.

Insofar as plaintiff's allegations state claims arising under state law, I decline to exercise supplemental jurisdiction over them in the absence of an actionable or non-frivolous

claim arising under federal law. Ridings v. Riverside Medical Center, 537 F.3d 755, 772 (7th Cir. 2008). Accordingly, plaintiff's state law claims will be dismissed.

ORDER

IT IS ORDERED that

1. Plaintiff Khor Chin Lim's motion to consolidate, dkt. #2, is DENIED.
2. The case is DISMISSED.
3. Plaintiff is WARNED that he will face sanctions, including monetary penalties, if he continues to file complaints that contain claims he has made previously in other suits or claims that are frivolous.

Entered this 9th day of August, 2012.

BY THE COURT:

/s/

BARBARA B. CRABB

District Judge