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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Keith Thorstenson, et al.,

No. CV-25-02413-PHX-SHD

10 Plaintiffs,

ORDER

11 v.

12 Unknown Parties, et al.,

13 Defendants.
14

15 This matter was initiated on July 9, 2025, upon receipt of Plaintiff Keith
16 Thorstenson's¹ Petition for Writ of Mandamus. (Doc. 1.) Over the course of the next
17 several weeks, Thorstenson proceeded to file eight documents, which prompted the Court
18 to issue an order cautioning him that parties are not permitted to engage in serial briefing
19 and striking notices that (a) did not fall within the limited categories of notices authorized
20 or required by the Rules or (b) did not request relief such that they could be construed as
21 motions. (Doc. 12.) Thorstenson continued to excessively file notices and other
22 unauthorized documents, resulting in the Court striking eight additional filings. (Docs.
23 26, 28.)

24 On August 15, 2025, the Court dismissed Plaintiffs' Petition for lack of subject
25 matter jurisdiction without leave to amend and denied twelve other motions/applications

26 ¹ Plaintiff initially filed this case as "Keith Thorstenson." Later, Plaintiff stated that
27 Thorstenson was "the former legal name of Plaintiff Keith Anthony Hartl." (Doc. 32 at
28 1.) The Court denied Thorstenson's request to amend the caption to reflect his alleged
stated legal name. (Doc. 35 at 1 n.1.) For clarity, Plaintiffs Keith Thorstenson and Paul
Hartl are individually referred to as Thorstenson and Hartl.

1 accordingly. (Doc. 35.) Judgment was entered, and the case was closed. (Doc. 36.)

2 Since entry of judgment, Plaintiffs have submitted 57 separate filings, (Docs. 38–
3 72, 74–75, 77–86, 88–97), including a Notice of Appeal, (Doc. 57), which has been twice
4 amended, (Docs. 65, 71). Plaintiffs also filed three motions to vacate or reconsider the
5 Court’s Order dismissing the Petition. (Docs. 40, 41, 66.)

6 Upon the filing of a Notice of Appeal, jurisdiction generally transfers from this
7 Court to the Court of Appeals. *See Griggs v. Provident Consumer Discount Co.*, 459
8 U.S. 56, 58 (1982) (per curiam) (“The filing of a notice of appeal is an event of
9 jurisdictional significance—it confers jurisdiction on the court of appeals and divests the
10 district court of its control over those aspects of the case involved in the appeal.”). The
11 Court retains jurisdiction to rule on post-judgment motions filed under Rules 59 or 60,
12 however. *See* Fed. R. App. P. 4(a)(4)(B)(i) (providing that a notice of appeal filed after a
13 Rule 60 motion is filed but before the district court disposes of the motion becomes
14 effective once the district court resolves the motion); *Schroeder v. McDonald*, 55 F.3d
15 454, 458 (9th Cir. 1995) (“[W]hen a notice [of appeal] is prematurely filed, it shall be in
16 abeyance and become effective upon the date of entry of an order disposing of the Rule
17 59(e) motion.”).

18 The Motion to Vacate the Court’s Dismissal Order, (Doc. 40), Notice of Motion
19 for Reconsideration, (Doc. 41), and Motion to Vacate the District-Court Dismissal, (Doc.
20 66), are construed as requests to alter or amend the judgment or for relief from judgment,
21 and thus are considered filings under Rules 59 or 60. *See Schroeder*, 55 F.3d at 458–59
22 (holding motion for reconsideration brought under local rules was considered a Rule
23 59(e) motion). The Court has jurisdiction to rule on these motions. (*See* Doc. 9.1 at 1,
24 *Thorstenson v. Unknown Parties*, No. 25-5782 (9th Cir. Oct. 14, 2025) (staying
25 proceedings pending resolution of two of these motions).)

26 Construed liberally, Plaintiffs’ first motion argues that the Court should vacate its
27 dismissal because the Court did not have jurisdiction to dismiss the Petition for lack of
28 jurisdiction or to strike Plaintiffs’ improperly-filed notices. (*See* Doc. 40 at 4.) This

1 argument lacks merit. *See, e.g., Brownback v. King*, 592 U.S. 209, 218 (2021) (“[A]
2 federal court always has jurisdiction to determine its own jurisdiction . . .” (citation
3 omitted)); *Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010)
4 (holding that district courts have jurisdiction to strike filed documents “pursuant to its
5 inherent powers” to “manage their own affairs so as to achieve the orderly and
6 expeditious disposition of cases” (quoting *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43
7 (1991))). The first motion is therefore denied.

8 In the second motion, Plaintiffs argue that the *Rooker-Feldman* doctrine does not
9 bar the Petition because the “relief sought is . . . not a collateral attack . . . on the State
10 Court judgment but a []compelled[] action to . . . correct a jurisdictional overreach,” as
11 the “State Court order was entered []without[] jurisdiction over the parties.” (Doc. 41 at
12 4; *see also id.* at 6 (“Plaintiffs respectfully request that the Court . . . grant . . . the petition
13 for a writ of mandamus . . . to compel the Maricopa County Superior Court to vacate the
14 unauthorized order.”).) Plaintiffs thus confirm that they seek an order compelling a state
15 court to vacate its judgment based on legal errors the state court allegedly committed,
16 which this Court has explained it lacks jurisdiction to do. (*See* Doc. 35 at 5–6.) *See also*
17 *Noel v. Hall*, 341 F.3d 1148, 1163 (9th Cir. 2003) (“It is a forbidden de facto appeal
18 under *Rooker-Feldman* when the plaintiff in federal district court complains of a legal
19 wrong allegedly committed by the state court, and seeks relief from the judgment of that
20 court.”).

21 Plaintiffs also argue that their “Second Amended Complaint” was “improperly
22 classified” as a motion for leave to amend because they may amend once as a matter of
23 right, so they argue the Court improperly denied Plaintiffs leave to amend. (Doc. 41 at
24 4.) They request leave to file a supplemental complaint to “[r]eassert the . . .
25 mandamus . . . claim” and other statutory claims. (*Id.* at 4–5.) Plaintiffs misunderstand
26 the Court’s Order. The Court denied Plaintiffs’ motion for leave to file a First Amended
27 Complaint, (Doc. 35 at 7), which was filed before Plaintiffs filed their Second Amended
28 Complaint, (*see* Doc. 4).

1 Further, the motion for leave to amend was discussed in the context of whether the
2 Court should grant leave to amend after dismissing Plaintiffs' Petition. (Doc. 35 at 7.)
3 Because Plaintiffs' proposed amended pleadings would "in essence [have] constitute[d] a
4 new action, consisting of entirely different defendants and claims," amendment was not
5 proper. (*Id.*) Plaintiffs ignore that their proposed amended pleadings were nonsensical:
6 they appeared to either start a new action or amend the pleading in a different case. The
7 proposed First Amended Complaint "added many defendants, none of which included
8 [the sole defendant named in the Petition], and added new claims, none of which included
9 the allegations or requested relief set forth in the Petition"; the requested amendment was
10 to add a single defendant and "add [several] paragraphs to the First Amended Complaint"
11 that did not exist. (*See id.* at 2–3 (second alteration in original).) The Second Amended
12 Complaint was styled similarly. (*See id.* at 3.) Plaintiffs thus did not file "amended"
13 pleadings, but rather pleadings for an entirely new case. (*Id.* at 7.)

14 Finally, Plaintiffs' renewed request to file a supplemental pleading is denied.
15 (Doc. 41 at 4–5.) Plaintiffs confirm their supplemental pleading would combine the
16 claims in their Petition with their proposed other claims, which is not the proper use of a
17 supplemental pleading. (*See* Doc. 35 at 7.) The second motion is therefore denied.

18 As for the third motion, it is unclear whether the Court has jurisdiction to resolve it
19 because Plaintiffs filed it after they filed the Notice of Appeal. (*Compare* Doc. 66
20 (motion to vacate), *with* Doc. 57 (Notice of Appeal).) On the one hand, district courts
21 lack jurisdiction to resolve motions to vacate filed after a notice of appeal. *United States*
22 *v. Vroman*, 997 F.2d 627, 627 (9th Cir. 1993) (per curiam) (holding that a district court
23 lacks jurisdiction over a motion for reconsideration filed after a notice of appeal). On the
24 other hand, the Notice of Appeal Plaintiffs filed has not yet become effective because of
25 the pending post-judgment motions. *See Schroeder*, 55 F.3d at 458. Because the Ninth
26 Circuit stayed its proceedings pending this Court's resolution of this motion, however,
27 the Court addresses it.

28 In the third motion, Plaintiffs argue that the Court should "vacate its own

1 judgment” because the dismissal was “obtained through . . . fraudulent concealment,”
2 “obtained in the presence of economic duress,” and based on an “incorrect legal
3 premise,” all because the City of Phoenix allegedly enacted a void ordinance. (Doc. 66 at
4 1–4.) The conduct of which Plaintiffs complain has nothing to do with the allegations or
5 claims in the Petition, and conduct by non-parties is not properly before the Court and
6 does not cure the jurisdictional defects raised in the Court’s Order. The third motion is
7 thus denied.

8 The Court denies all other pending motions because it lacks jurisdiction to rule on
9 them now that it has ruled on Plaintiffs’ post-judgment motions. *See* Fed. R. App. P.
10 4(a)(4)(B)(i); Fed. R. Civ. P. 62.1(a)(2) (providing that a district court may deny a motion
11 if “made for relief that the court lacks authority to grant because of an appeal that has
12 been docketed and is pending”).

13 Finally, Plaintiffs will be prohibited from filing any other documents in this action
14 except in furtherance of their appeal. As set out in this and other Orders, Plaintiffs have
15 filed dozens of improper or unauthorized documents, the majority of which they filed
16 after this case was closed. Not only have Plaintiffs done this in violation of the Court’s
17 previous Order, (Doc. 12), but these filings have taken up a significant and unnecessary
18 amount of this Court’s resources to process and resolve, both because of their filings’
19 volume and incoherence.

20 Further, Plaintiffs yesterday filed a document purporting to be an order of this
21 Court granting them a preliminary injunction, temporary restraining order, and asset
22 seizure. (Doc. 88.) It was not styled as a proposed order, (*id.* at 1), nor does it appear
23 Plaintiffs intended it to be one, given that it was backdated to October 17, 2025, (*id.* at 1,
24 5), which was several days after they filed the motion to which this purported order
25 pertains, (*see* Doc. 83). Several other documents they filed with it follow this same
26 pattern. (*See* Docs. 91, 92, 93, 94.) These documents will be stricken and sealed and, in
27 light of Plaintiffs’ egregious conduct, the Clerk of Court will be instructed to not accept
28 any additional filings in this closed case unless the filing is made in furtherance of their

1 appeal.

2 Accordingly,

3 **IT IS ORDERED** that Plaintiffs' motions to vacate (Docs. 40, 66) are **denied**.

4 **IT IS FURTHER ORDERED** that Plaintiffs' motion for reconsideration (Doc.
5 41) is **denied**.

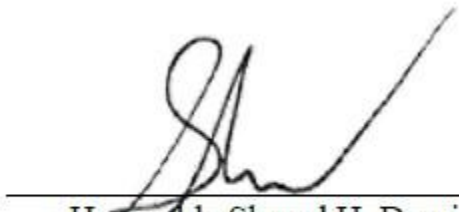
6 **IT IS FURTHER ORDERED** that Docs. 38, 42, 46, 47, 48, 51, 52, 56,² 58, 59,
7 61, 68, 74, 78, 79, 83, 84, 85, and 90 are **denied** without prejudice.

8 **IT IS FURTHER ORDERED** that Plaintiffs' filings purporting to be orders of
9 this Court (Docs. 88, 91, 92, 93, 94) are **stricken**, and the Clerk of Court is directed to
10 seal the documents.

11 **IT IS FURTHER ORDERED** that the Clerk of Court shall accept no further
12 filings in this matter except in the furtherance of the appeal.

13 **IT IS FURTHER ORDERED** that this case shall remain closed.

14 Dated this 28th day of October, 2025.

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Honorable Sharad H. Desai
United States District Judge

² Although not styled as such on the docket, this document is a motion.