

Case Number: 2023-48078

J.B. BLACK  
*Plaintiff*

v.

STATE OF TEXAS, et al.  
*Defendant*

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IN THE DISTRICT COURT

334TH JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

P. 4  
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ORDER DECLARING J.B. BLACK A VEXATIOUS LITIGANT

On ~~November 20~~ <sup>2023</sup>, in accordance with TEX. CIV. PRAC. & REM. CODE § 11.053, this Court held a hearing on Defendant Marilyn Burgess' ("Ms. Burgess") Motion to Declare J.B. Black a Vexatious Litigant. Ms. Burgess' Motion to Declare J.B. Black a Vexatious Litigant was filed on or before the 90th day after of the filing of Ms. Burgess' Answer in this lawsuit, in accordance with TEX. CIV. PRAC. & REM. CODE § 11.051. All parties received proper notice of this hearing, in accordance with TEX. CIV. PRAC. & REM. CODE § 11.053. The Court having reviewed ~~and there being no response filed,~~ the motion, pleadings, the law, evidence and arguments of all parties, enters the following order:

On July 28, 2023, J.B. Black filed this lawsuit, alleging that his constitutional rights were violated because he was charged with crimes that do not have an enacting clause, and contain no titles. (Petition).

There is not a reasonable probability that J.B. Black will prevail in this lawsuit against Ms. Burgess and any of the other defendants. J.B. Black's causes of action are barred by limitations because his wrongful conviction claims accrued when he was convicted of engaging in organized crime in 2006, and insurance fraud in 2020, and there is a two-year limitations period. J.B. Black fails to present factual allegations demonstrating a viable, legally cognizable claim to relief. J.B. Black fails to overcome sovereign immunity or qualified immunity against Ms. Burgess. J.B. Black is collaterally estopped from suit due to the judgments of the 174<sup>th</sup> and the 351<sup>st</sup> District

RECORDER'S MEMORANDUM  
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Courts, Harris County, Texas and public policy also undercuts J.B. Black's likelihood to prevail in the instant case.

Accordingly, there is not a reasonable probability that J.B. Black will prevail in the litigation against Marilyn Burgess.

Over the last seven years, J.B. Black has filed this and commenced, prosecuted, or maintained as a *pro se* litigant numerous other litigations other than in small claims court that have been finally determined adversely to him. These include, but are not limited to the following litigations finally determined adversely to J.B. Black:

- (1) *J.B. Black vs. Keyarrria Amey*; Cause No. 2020-56330, in the 133<sup>rd</sup> District Court of Harris County, Texas, dismissed May 3, 2021.
- (2) *J.B. Black v. Dennis K. Powell*, No. 2020-67182, in the 295<sup>th</sup> District Court of Harris County, Texas, dismissed December 15, 2021.
- (3) *J.B. Black v. George L. Powell*, No. 2020-67207, in the 11<sup>th</sup> District Court of Harris County, Texas, dismissed July 19, 2022.
- (4) *J.B. Black v. Gregory Rosser, Estate of Gregory Rosser*, No. 2021-20985, in the 113<sup>th</sup> District Court of Harris County, Texas, dismissed December 2, 2022.
- (5) *J.B. Black v. John Petruzzi*, No. 2021-51404, in the 80<sup>th</sup> District Court of Harris County, Texas, dismissed May 17, 2022.
- (6) *J.B. Black v. Alan Stewart*, No. 2021-52544, in the 234<sup>th</sup> District Court of Harris County, Texas, dismissed June 6, 2022.
- (7) *J.B. Black v. USAA*, No. 2021-71078, in the 152<sup>nd</sup> District Court of Harris County, Texas, dismissed March 7, 2022.

Courts cannot allow litigants to abuse the judicial system and harass their victims without consequence. Accordingly, the Court **FINDS** that J.B. Black is such a litigant and his conduct is subject to review and action by this Court.

Chapter 11 of the CIVIL PRACTICE AND REMEDIES CODE, provides this Court with the authority to prevent J.B. Black from using the judicial system to retaliate against and harass Marilyn Burgess or any other party.

#### ORDER

Chapter 11 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE governs suits brought by vexatious litigants. The Court may, on defendant's motion or *sui sponte*, designate a party as a vexatious litigant. TEX. CIV. PRAC. REM. CODE § 11.101.

A party may be declared a vexatious litigant if there is not a reasonable probability that she will prevail in litigation and in the seven-year period immediately preceding the date the defendant makes the motion under Section 11.051, the party has commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant other than in a small claims court that have been finally determined adversely to the plaintiff. TEX. CIV. PRAC. REM. CODE § 11.054 (1).

As discussed above, J.B. Black does not allege or produce any evidence to establish a waiver of the sovereign immunity or qualified immunity, against Defendant Marilyn Burgess, nor does J.B. Black plead sufficient facts to state a claim, as a matter of law.

Specifically, the Court FINDS as follows:

- (1) There IS NOT a reasonable probability that J.B. Black will prevail in his current litigation against Marilyn Burgess.
- (2) In the past seven-year period, J.B. Black, has "commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant other than in a small claims court that have been finally determined adversely to" J.B. Black.
- (3) J.B. Black meets the criteria for finding a plaintiff a vexatious litigant.

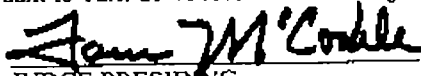
Accordingly, this Court **ORDERS** that **J.B. Black** is adjudicated to be a vexatious litigant.

Because of this, the Court **ORDERS** that **J.B. Black** is prohibited from filing *pro se* any new litigation in a court in this state, under the name "**J.B. Black**," "**J.B. Black SPN # 01214826**," "**James Bernard Black**" or any other name, without first being granted permission to file by the local administrative judge, pursuant to TEX. CIV. PRAC. REM. CODE § 11.101. Such permission shall be granted only if the litigation appears to have merit and is not filed for purposes of harassment or delay; such permission may also be conditioned on the furnishing of a security.

**J.B. BLACK** is hereby **NOTIFIED** that he is subject to punishment pursuant to the inherent powers of the court or by contempt if he fails to obey this pre-filing order.

The Court further **ORDERS** that the Clerk of the Court is directed to notify the Office of Court Administration of this Court's declaration of **J.B. Black** as a vexatious litigant and this pre-filing order, pursuant to TEX. CIV. PRAC. REM. CODE § 11.103 (a). The Office of Court Administration of the Texas Judicial System shall list "**J.B. Black**" a/k/a "**J.B. Black SPN # 01214826**" a/k/a "**James Bernard Black**" on the list of vexatious litigants subject to pre-filing orders on the agency's Internet website. TEX. CIV. PRAC. REM. CODE § 11.103(b).

Finally, the Court **ORDERS** that proceedings in this matter are hereby stayed; that **J.B. Black** **ORDERED** to provide security to Defendant Marilyn Burgess by posting a bond with this Court in the amount of \$ 10,000.00 to cover reasonable expenses incurred in connection with the litigation commenced by **J.B. Black**, including costs and attorney's fees; that, if **J.B. Black** fails to post a \$ 10,000.00 bond within ten calendar days of the signing of this Order, then this suit will be dismissed with prejudice in its entirety, pursuant to TEX. CIV. PRAC. REM. CODE § 11.056.

Signed November 20, 2023, at 9:50 a.m.  
  
JUDGE PRESIDING



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this November 27, 2023

Certified Document Number: 111497124 Total Pages: 4

Marilyn Burgess, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

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