

CAUSE NO. DC-20-04739

MICHAEL DWAIN WILLIAMS	í	IN THE DISTRICT COURT
	í	
VS.	í	DALLAS COUNTY, TEXAS
	í	
JOHN F. WARREN, COUNTY CLERK	í	134 th JUDICIAL DISTRICT

ORDER ON VEXATIOUS LITIGANT MOTION

On November 30, 2020, the Court considered the Vexatious Litigant Motion (Motion) filed by Defendant Dallas County Clerk John Warren (Defendant), against Plaintiff Michael Dwain Williams, also known as Michael Williams, Michael Dwayne Williams, and Michael D. Williams (Plaintiff). Defendant appeared by and through the Criminal District Attorney of Dallas County. Plaintiff, who was an inmate with the Texas Department of Criminal Justice acting pro se at the time this case was originally filed, was given proper notice of the hearing and did not appear.

The Court takes judicial notice that Defendant's Motion was originally filed on June 3, 2020.

After considering the evidence, the response to the Motion filed by Plaintiff, the arguments and exhibits of the parties, and all documents on file with the Court, including the supplements to the Motion filed by Defendant, the Court is of the opinion that the Motion is well-taken and should be GRANTED.

The Court finds that Plaintiff is a Plaintiff who has commenced or maintained a litigation, as defined in section 11.001(5) of the Texas Civil Practice and Remedies Code, and that Defendant is a person against whom Plaintiff has commenced or maintained a litigation as defined by section 11.001(1) of the Civil Practice and Remedies Code.

The Court finds that Defendant's Motion was timely filed under section 11.051(1) of the Civil Practice and Remedies Code.

The Court finds that there is no reasonable probability that Plaintiff will prevail in the current litigation before the Court.

The Court finds that Plaintiff has, under section 11.054(1) of the Texas Civil Practice and Remedies Code, in the seven (7) year period immediately preceding the filing of Defendant's Motion, commenced, prosecuted, or maintained, in propria persona, at least five litigations other than in small claims court that have been finally determined adversely to Plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that Defendant's Vexatious Litigant Motion is hereby GRANTED.

IT IS FURTHER ORDERED that the Court declares Plaintiff Michael Dwain Williams, also known as Michael Williams, Michael Dwayne Williams, and Michael D. Williams, to be a vexatious litigant under Chapter 11 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that under section 11.055 of the Texas Civil Practice and Remedies Code, Plaintiff must furnish security in the amount of \$1,000.00 for the benefit of Defendant, which sum is reasonably necessary to assure payment to Defendant of Defendant's reasonable expenses incurred in or in connection with the litigation commenced, caused to be commenced, or maintained by Plaintiff.

IT IS FURTHER ORDERED that reasonable security shall consist of cash to be paid in the registry of the Court for the benefit of Defendant, or a bond in favor of Defendant filed with the Clerk of the Court undertaken by persons who demonstrate ownership of liquid and unencumbered assets that are non-exempt under federal or state law of at least twice the amount of the security ordered to be furnished by the Court, payable for the benefit of Defendant, subject only to Plaintiff's prevailing in a final determination of his claims as set forth in his pleadings on file with the Court.

IT IS FURTHER ORDERED that before any bond provided by Plaintiff shall be accepted, an application for the approval of said bond shall be filed with notice to Defendant, and at hearing upon such application, the Court shall determine the adequacy of the undertaking.

IT IS FURTHER ORDERED that if Plaintiff fails to post adequate security with the Court within fourteen (14) days of the signing of this Order, Plaintiff's suit will be dismissed in its entirety pursuant to section 11.056 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that if Plaintiff timely provides the security herein required and the litigation is later decided on the merits against Plaintiff, Defendant shall have recourse to the security furnished under this order.

IT IS FURTHER ORDERED that Plaintiff is prohibited from filing, in propria persona, any new litigation in a court in this State without the written permission of a local administrative judge in the jurisdiction where he attempts to file such litigation. The local administrative judge may condition pre-filing permission on the furnishing of security for the benefit of defendant(s) or other conditions as provided by Subchapter B of Chapter 11 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to notify the Office of Court Administration of this Court's declaration of Plaintiff Michael Dwain Williams, also known as Michael Williams, Michael Dwayne Williams, and Michael D. Williams as a vexatious litigant.

IT IS FURTHER ORDERED that this suit shall remain in abatement until Plaintiff complies with this order or until it is dismissed by further order of this Court.

A violation of this Order may be punished by contempt of court in addition to other remedies provided by the Texas Civil Practice and Remedies Code.

DATE: November 30, 2020


PRESIDING JUDGE