

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS  
205<sup>TH</sup> JUDICIAL DISTRICT

FILED  
NORMA L. FAVELA  
DISTRICT CLERK

2015 SEP 14 PM 2:10

EL PASO COUNTY, TEXAS

BY: *[Signature]*  
DEPUTY

ERIC ALAN TILLOTSON,

§

Plaintiff,

§

§

vs.

§

Cause No. 2015-DCV1686

§

§

IMELDA CORREA BROCK, *et al.*,

§

§

Defendant.

§

**VEXATIOUS LITIGANT DETERMINATION ORDER**

On this day, after notice and hearing to the parties, the Court considered whether Plaintiff Eric Alan Tillotson should be declared a vexatious litigant pursuant to Chapter 11 of the Texas Civil Practice & Remedies Code. *See* Tex. Civ. Prac. & Rem. Code § 11.001 *et seq.*

A. **Notice to Plaintiff**

The Court previously notified the parties that after careful review of the record in this case, as well as a review of the dockets of the El Paso County District Clerk and the Clerk of the United States District Court for the Western District of Texas, it appeared that Plaintiff has a history of relitigating claims arising from the same operative facts, or of filing frivolous claims. For that reason, the parties were notified that the Court was inclined to declare Plaintiff a vexatious litigant by order dated July 15, 2015. However, rather than take heed of the Court's concerns, Plaintiff proceeded to intensify filing frivolous and nonsensical pleadings in this Court and other courts, to include the following:

1. On July 16, 2015, Plaintiff filed a hand-written proposed order with the United States District Court for the Western District of Texas, El Paso Division, in case number 3:15-CV-00178-DB. The proposed order reads: "After reading the response to the recommendations of the magistrate judge, I, David Briones, Senior District Judge

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COURT ADMINISTRATION



*Order you, Francisco Dominguez, to stop insulting the plaintiff. Furthermore you are hereby ordered not to take any action in Cause 2015DCV1086 where you called the litigant 'vexatious.' Failure to comply with this order will result in holding you in contempt of a federal court proceeding."* The proposed order was received by the U.S. District Clerk's Office and a file-stamped copy was delivered and filed with this Court.

2. On July 20, 2015, Plaintiff filed a hand-written pleading captioned "Appeal" which asks this Court to overrule its Rule 91 dismissal order; to remove the County Attorney from this case; and to transfer the case to Hudspeth County. The reasons given for requesting that the County Attorney be removed from this case relate to matters pending in the 383<sup>rd</sup> Judicial District Court, El Paso County, Texas. Most importantly, the County Attorney is not a party in this case, nor has the County Attorney entered an appearance in this case.

3. On August 19, 2015, Plaintiff filed, a particularly bizarre motion captioned "Judicial Notice: Federal Statute 28 U.S.C. Section 1406(A); Federal Statute 28 U.S. Section 1332; Associate Cases 2009-04311; 3:10-CV-00047-DB; 2007AG060."

4. On September 2, 2015, Plaintiff filed yet another pleading captioned "Emergency Stay of Court Proceedings 28 U.S.C. 2283."

5. On September 2, 2015, Plaintiff filed a motion captioned "Motion for Recusal of Judge Francisco X. Dominguez Preemptory Challenge" in an effort to delay a hearing set for Entry of Judgment at 9:30 a.m. on Thursday, September 3, 2015. The motion was ultimately denied by the Presiding Judge for the Sixth Administrative Judicial Region of Texas.

The pleadings referenced above were usually incoherent, rambling and harassing to the parties and the Court.

#### B. Summary of Plaintiff's Litigation

It is extremely difficult to provide a complete list of Plaintiff's litigation history for several reasons. First, Plaintiff has a tendency to re-file pleadings and orders from one case in separate cases and courts, which is how this Court became aware of Plaintiff's litigiousness. Second, this Court does not have the personnel or resources to research all the possible filings in



El Paso County, the United States District for the Western District of Texas, Dona Ana County, or the United States District Court for the District of New Mexico. Nevertheless, in addition to the instant case, Plaintiff's filings reveal the following litigation:

1. *Eric A. Tillotson vs. Imelda Correa Brock*, Cause No. 2009-4311, 171<sup>st</sup> District Court, El Paso County, Texas. (Filed September 30, 2009)
2. *Eric A. Tillotson vs. The City of El Paso, The El Paso Police Department, Starbucks Coffee Company, Mario Betancourt, Franchisee of Longhorn Pizza, Inc., Wal-Mart Associates, Inc., Allsup's Convenience Stores, Clinton Nelms, Longhorn Pizza, hail Creations, Coffee Emporium, Michael D. Vasquez, Imelda Correa Brock, Thriftway Supermarkets, Domino's Pizza, Inc., Margarita Hernandez, Javier Correa, Jaime Munoz, Raymond Chairez, Provencio, Kaprosy, Davila, El Paso Independent School District, and the State of Texas*, Civil Action No. 09-0963 JB/CG, U.S. District Court for the District of New Mexico. (Filed October 1, 2009)
3. *Eric A. Tillotson vs. City of El Paso, et al.* (purportedly the identical defendants as the ones listed in Paragraph 2, above), Civil Action No. EP-10-CV-047-DB, U.S. District Court for the Western District of Texas, El Paso Division. (Transferred and filed on or about January 29, 2010.)
4. *Eric Alan Tillotson vs. Walmart, Inc., Green Dot Bank, Steve Streit CEO Green Dot Bank*, Cause No. 2015-DCV1916, County Court at Law Number Three, El Paso County, Texas. (Filed on June 11, 2015)
5. *Eric Alan Tillotson vs. Jaime Esparza, District Atty., Patricia Baca, ADA Family Viol., County of El Paso, Texas, Alejandro Cervantes (#2623), Doris Provencio, FMR E.P.P.D. Det., City of El Paso, Texas, Texas Attorney General*, Civil Action No. 3:15-CV-00178-KC, U.S. District Court for the Western District of Texas, El Paso Division. (Filed June 15, 2015)
6. *Eric Alan Tillotson vs. Javier Alvarez, Green Goes LLC d/b/a Siempre Tax +, and Liberty Tax, Inc.*, Civil Action No. EP-15-CV-00122-DCG, U.S. District Court for the Western District of Texas, El Paso Division. (Filed April 27, 2015)

**C. No Reasonable Probability that Plaintiff Will Prevail in the Litigation**

After careful consideration of all pleadings and evidence in this matter, the Court finds that there is no reasonable probability that Plaintiff Eric Alan Tillotson would have prevailed in his claims against any of the named Defendants.



The Court further finds that in the seven (7) years immediately preceding this order, the Plaintiff Eric Alan Tillotson has commenced, prosecuted or maintained at least five litigations as a *pro-se* litigant other than in small claims court that have been finally determined against him.

The Court further finds that Eric Alan Tillotson, after litigation has been finally determined against him, repeatedly re-litigated or attempted to re-litigate *pro-se*, the cause of action, claim, controversy or issues of fact or law against the same Defendants as to whom the litigation was finally determined.

**IT IS THEREFORE ORDERED, ADJUDGED and DECREED that ERIC ALAN TOLLITSON is hereby determined to be a VEXATIOUS LITIGANT.**

**IT IS FURTHER ORDERED, ADJUDGED and DECREED** that should ERIC ALAN TILLOTSON desire to pursue any claims involving the issues which are the subject matter of this case in any court, State or Federal, against Imelda Correa Brock, Javier Correa, Michael Kaprosky, Michael Vasquez, Officer Munoz, the City of El Paso, Texas, the State of Texas, or any El Paso Police Department Officers OCA 09-119199, ERIC ALAN TILLOTSON **must, in addition to obtaining permission from the appropriate local administrative judge as described below, furnish security (cash or corporate surety) for the benefit of such parties, in the amount of \$20,000.00 (twenty thousand dollars) within seven(7) days of filing same.** The foregoing security is an undertaking by ERIC ALAN TILLOTSON to assure payment of reasonable expenses incurred in or in connection with the claims commenced by ERIC ALAN TILLOTSON against Imelda Correa Brock, Javier Correa, Michael Kaprosky, Michael Vasquez, Officer Munoz, the City of El Paso, Texas, the State of Texas, or any El Paso Police Department Officers OCA 09-119199, including costs and attorney's fees. In the event that ERIC ALAN TILLOTSON does not furnish the amount of security ordered above within the time period



specified, the court in which such claims are pending, shall dismiss all claims of ERIC ALAN TILLOTSON against Imelda Correa Brock, Javier Correa, Michael Kaprosky, Michael Vasquez, Officer Munoz, the City of El Paso, Texas, the State of Texas, or any El Paso Police Department Officers OCA 09-119199, **without further notice.**

**IT IS FINALLY ORDERED, ADJUDGED and DECREED that ERIC ALLAN TOLLITSON, as a VEXATIOUS LITIGANT, is prohibited from filing, pro se, any new litigation in any court, State or Federal, including cases before any appellate court, State or Federal, without obtaining permission from the appropriate local administrative judge.**

A copy of this Order is to be provided to the Office of Court Administration of the Texas Judicial System within 30 days of the date such order is signed as required by Texas Civil Practice and Remedies Code Section 11.104.

**SIGNED this 14<sup>th</sup> day of September, 2015.**



*Francisco X. Dominguez*

FRANCISCO X. DOMINGUEZ  
Judge, 205<sup>th</sup> Judicial District Court

A TRUE COPY, I CERTIFY  
NORMA L. FAVELA, District Clerk

By: *Norma L. Favela*

10-26-2015 Deputy