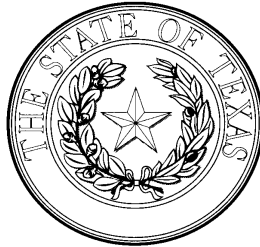


Opinion issued June 18, 2020



In The
Court of Appeals
For The
First District of Texas

NO. 01-19-00549-CV

ALI YAZDCHI, Appellant

V.

PD TOWING OF HOUSTON, Appellee

On Appeal from the County Civil Court at Law No. 3
Harris County, Texas
Trial Court Case No. 1114841

MEMORANDUM OPINION

Ali Yazdchi, proceeding pro se, attempts to appeal the trial court's order signed on April 22, 2019 dismissing the underlying suit for want of prosecution. We dismiss the appeal for lack of jurisdiction.

The Office of Court Administration website lists all vexatious litigants subject to pre-filing orders. *See* Office of Court Administration, *List of Vexatious Litigants Subject to Prefiling Order*, <https://www.txcourts.gov/judicial-data/vexatious-litigants/> (list last updated May 6, 2020); *see also* TEX. CIV. PRAC. & REM. CODE § 11.104(b) (requiring Office of Court Administration to maintain and post list of vexatious litigants on agency’s website). Yazdchi is one such litigant. This list contains three pre-filing orders concerning Yazdchi: (1) one signed on April 28, 2015 in *Ali Yazdchi v. Mike Jones and Sam Adamo*, Cause No. 2015-05013, in the 11th District Court of Harris County; (2) another signed on July 10, 2015, with an amended order signed January 15, 2016, in *Ali Yazdchi v. Wells Fargo Bank N.A.*, Cause No. 2015-11585 in the 215th District Court of Harris County; and (3) another signed on July 15, 2015, in *Ali Yazdchi v. BBVA Compass Bank*, Cause No. 2015-05657, in the 151st District Court in Harris County. *See* Office of Court Administration, *List of Vexatious Litigants Subject to Pre-Filing Orders* under Section 11.101, Texas Civil Practice and Remedies Code, available at:

<https://www.txcourts.gov/media/950960/Ali-Yazdchi-Case-No-2015-05013.pdf>;

https://www.txcourts.gov/media/1278447/Ali-Yazdchi-Case-No-2015-11585-01_15_2016.pdf;

<https://www.txcourts.gov/media/1029372/Ali-Yazdchi-Case-No-2015-05657.pdf>

See also Douglas v. Am. Title Co., 196 S.W.3d 876, 878 n.2 (Tex. App.—Houston [1st Dist.] 2006, no pet.) (taking judicial notice of Harris County record of vexatious litigants).

The Clerk of this Court may not file an appeal presented by a vexatious litigant subject to a prefiling order unless (1) the litigant first obtains an order from the local administrative judge permitting the filing or (2) the appeal is from a prefiling order designating the person a vexatious litigant. *See* TEX. CIV. PRAC. & REM. CODE § 11.103(a), (d). Yazdchi’s appeal is not an appeal from the prefiling order designating him a vexatious litigant. Thus, Yazdchi may not proceed with his appeal unless the local administrative judge permitted this filing.

Appellee filed a “Notice of Filing By Vexatious Litigant” with this Court (1) asserting that Yazdchi has been adjudicated a vexatious litigant and is subject to a prefiling order, and (2) requesting dismissal of the appeal because Yazdchi failed to demonstrate that he received permission to proceed with his appeal. Yazdchi filed a response denying that he has been declared a vexatious litigant, asserting that he “never received such a notice from any court” and claiming that the vexatious litigant orders could have pertained to “a family member who have [sic] similar name.”

Yazdchi’s response is not credible. It is a matter of public record that Yazdchi has been declared a vexatious litigant, and he subsequently challenged the designation on appeal to this Court. *See Yazdchi v. Jones*, 499 S.W.3d 564, 566 (Tex.

App.—Houston [1st Dist.] 2016, pet. denied). Moreover, this Court rejected a previous claim by Yazdchi that he was unaware of being declared a vexatious litigant when he initiated two other actions that, like the underlying action in this case, concern the towing of his vehicles. *See Yazdchi v. Makansam Inc.*, No. 01-17-00455-CV, 2018 WL 6318456, at *3 (Tex. App.—Houston [1st Dist.] Dec. 4, 2018, pet. dismissed) (“Yazdchi has no credible basis to argue that he was not aware in November 2016 that he had been declared a vexatious litigant when he initiated the two actions concerning the towing of his cars.”). Indeed, this Court recently dismissed another appeal by Yazdchi because he has been adjudicated a vexatious litigant and failed to obtain pre-filing permission to proceed. *See Yazdchi v. Makansam Inc.*, No. 01-20-00008-CV, 2020 WL 1173986, at *1 (Tex. App.—Houston [1st Dist.] Mar. 12, 2020, no pet. h.). We also note that the address on Yazdchi’s filings in the current case, including his response, matches the address on the filings in these aforementioned cases; the telephone number on the current filings matches the telephone number included on the filings from Yazdchi’s last two cases.

Because Yazdchi has been declared a vexatious litigant and did not obtain an order from the appropriate local administrative judge permitting the filing of his pro se notice of appeal, we must dismiss the appeal. *See TEX. CIV. PRAC. & REM. CODE* § 11.103(a); *Kastner v. Fulco*, No. 01–13–00100–CV, 2013 WL 6157392, at *1–2 (Tex. App.—Houston [1st Dist.] Nov. 21, 2013, no pet.) (dismissing appeal after

providing notice of intent to dismiss because vexatious litigant appellant failed to provide copy of order permitting filing of appeal); *McCray v. Prudential Ins.*, No. 14–12–00860–CV, 2012 WL 5586804, at *1 (Tex. App.—Houston [14th Dist.] Nov. 15, 2012, no pet.) (same).

Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a); 43.2(f). We dismiss any pending motions as moot.

PER CURIAM

Panel consists of Chief Justice Radack and Justices Kelly and Goodman.