



Fourth Court of Appeals
San Antonio, Texas

June 26, 2020

No. 04-20-00322-CV

IN RE David RODRIGUEZ

Original Proceeding¹

Sitting: Sandee Bryan Marion, Chief Justice
Luz Elena Chapa, Justice
Beth Watkins, Justice

On June 24, 2020, relator filed a pro se petition for writ of mandamus complaining of the trial court's refusal to sign a non-suit order that he submitted. Relator has been designated a vexatious litigant subject to a prefiling order. As a pro se vexatious litigant, relator is prohibited from filing any new litigation in a court of this State without first obtaining permission from the appropriate local administrative judge. *See* TEX. CIV. PRAC. & REM. CODE §§ 11.102(a), 11.103(a). A petition for writ of mandamus is a civil action to which the vexatious litigant statute applies. *In re Crenshaw*, 05-19-00633-CV, 2019 WL 2710755 (Tex. App.—Dallas June 28, 2019, orig. proceeding) (mem. op.); *see also* TEX. CIV. PRAC. & REM. CODE § 11.103(a) (clerk of a court “may not file [an] . . . original proceeding . . . presented, pro se, by a vexatious litigant subject to a prefiling order” unless pro se litigant first obtains permission from appropriate local administrative judge).

Relator is hereby ORDERED to file in this court, **no later than July 6, 2020**, an order from the appropriate local administrative judge granting relator permission to bring this original proceeding.

Relator's motion to stay the July 10, 2020 hearing is ORDERED HELD IN ABEYANCE.

¹ This proceeding arises out of Cause No. 2019-CI-16263, styled *David Rodriguez v. H-E-B Butt, et al.*, pending in the 131st Judicial District Court, Bexar County, Texas, the Honorable Norma Gonzales presiding.

It is so **ORDERED** on June 26, 2020.

PER CURIAM

ATTESTED TO: Michael A. Cruz
Michael A. Cruz, Clerk of Court

