CAUSE NO. 2011-557-282

ALCARIO ALVARADO	§	IN THE DISTRICT COURT
Plaintiff,	9	Ž
JOHNNY BOYLS AND THE LUBBOCK HEALTH CARE CENTER, et al.	* 69 69 69	OF LUBBOCK COUNTY, TEXAS
Defendants.	§ §	237TH JUDICIAL DISTRICT

ORDER

On this day, the Court considered the Motion for Entry of Pre-Filing Order pursuant Texas Civil Practice and Remedies Code § 11.001, et seq., Motion for Summary Judgment, and Motion for Sanctions filed by Defendants Johnny Boyles and The Lubbock Health Carl Center ("Defendants"). After examining the pleadings, evidence provided, the applicable law and hearing the arguments, if any, the Court finds that:

There is not a reasonable probability that Plaintiff will prevail in the litigation again.

Defendants as Plaintiff's claims in this action are barred by the doctrine of res judicara.

Plaintiff has previously been declared to be a vexatious litigant by this Court in Cassal No. 2010-551,793; Alexario Alvarado v. Johnny Boyls and the Lubbock Health Care Center al., which was an action based on the same facts or occurrence as those at issue in this action.

Plaintiff is a vexatious litigant.

No local administrative judge has granted Plaintiff permission to file this action.

Plaintiff's claims in this lawsuit are groundless as having no basis in law or fact and are not warranted by good fa th argument for the extension, modification, or reversal of existing lawsuits.



On these bases the Court hereby determines that Defendants' Motion for Entry of Pro-Filing Order, Motion for Summary Judgment, and Motion for Sanctions are well taken at should be granted in their entirety. Accordingly, it is hereby ORDERED that:

Defendants Motion for Entry of Pre-Filing Order, pursuant to Texas Civil Practice and Remedies Code § 11.001, et seq., is hereby GRANTED;

It is further ORDERED, ADJUDGED and DECREED that Plaintiff is helpful designated a vexatious litigant pursuant to Chapter 11 of the Texas Civil Practice and Remedie Code;

It is further ORDERED, ADJUDGED and DECREED that Plaintiff is prohibited from filing, on his own behalf or by and through his representative Lucy Hernandez, new litigation propria persona, in a court of this state.

It is further ORDERED, ADJUDGED and DECREED that the Clerk of the Court shall enter a Pre-Filing Order in accordance with this ruling and provide the Office of Court Administration of the Texas Judicial System a copy of such Order pursuant to the Civil Practice and Remedies Code.

Defendants' Motion for Summary Judgment is hereby GRANTED;

It is further ORDERED, ADJUDGED and DECREED that Plaintiff takes nothing to his suit against Defendants and that the entirety of Plaintiff's claims against Defendants and dismissed with prejudice;

Defendants' Motion for Sanctions is hereby GRANTED;

It is further ORDERED, ADJUDGED and DECREED that Plaintiff shall be sanctioned pursuant to Rule 13 of the Texas Rules of Civil Procedure and Chapter 10 of the Civil Practice and Remedies Code.



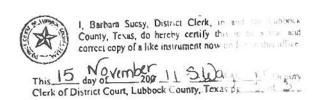
It is further ORDERED, ADJUDGED and DECREED that Plaintiff will parallel Defendants the amount of \$\frac{7}{2}\frac{1200}{200}\frac{1}{2}\frac{1200}{200}\frac{1}{2}\

It is further ORDERED, ADJUDGED and DECREED that Plaintiff will parameters of S40.00, which is the amount determined to be Defendant reasonable and necessary costs incurred in the action styled as, Cause No. 2010-551.793; Alcare Alvarado v Johnny Boyls and the Lubbock Health Care Center, et al., in the 2.7th Judicin District Court of Lubbock County, Texas, and ordered to be paid as sanction to Defendants

All relief requested and not expressly granted is denied.

SIGNED on this the day of Nottenher , 2011.

PRESIDING JUDGE



CAUSE NO. 2010-551-793

ALCARIO ALVARADO

Plaintiff.

JOHNNY BOYLS AND THE LUBBOCK HEALTH CARE CENTER, et al.

Defendants.

IN THE DISTRICT COSST

OF LUBBOCK COUNTY, TEXAS

237TH JUDICIAL DISTRICT

<u>ORDER</u>

On this day, the Court considered the Motion for Summary Judgment filed by Defendants

JOHNNY BOYLES AND THE LUBBOCK HEALTH CARE CENTER ("Defendants"). After examining the
pleadings, evidence provided, the applicable law, and hearing the arguments, if any, the Court
finds that:

Plaintiff's claims are barred by the doctrine of res judicata.

Plaintiff will not prevail in this suit.

By this lawsuit against Defendants, Plaintiff has attempted to relitigate, in propria persona, all claims, issues, and causes of action asserted against Defendants in Cause No. 2008-545-562; Alcario Alvarado v. Johnny Bolys and the Lubbock Health Care Center; in the 237th District Court of Lubbock County, Texas, which have been determined by the final order in that suit.

Plaintiff's claims in this suit are groundless as having no basis in law or fact and are not warranted by good faith argument for the extension, modification, or reversal of existing law.

On these bases the Court hereby determines that Defendants' Motion is well taken and should be granted in its entirety. Accordingly, it is hereby ORDERED that:

Defendants' Motion for Summary Judgment is hereby GRANTED;

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It is further ORDERED, ADJUDGED and DECREED that Plaintiff takes nothing by his suit against Defendants and that the entirety of Plaintiff's claims against Defendants are dismissed with prejudice;

It is further ORDERED, ADJUDGED and DECREED that Plaintiff is hereby designated a vexatious litigant pursuant to Chapter 11 of the Texas Civil Practice and Remedies Code;

security for the benefit of Defendants in the amount of \$_______, which is the amount of their reasonable and necessary fees and costs incurred in this suit, on or before ________, 2010.

It is further ORDERED, ADJUDGED and DECREED that Plaintiff shall be sanctioned pursuant to Rule 13 of the Texas Rules of Civil Procedure and Chapter 10 of the Civil Practice and Remedies Code.

Defendants the amount of \$ 40. 50, which is the amount of their reasonable and necessary fees and costs incurred in this suit and such payment will be made on or before splenbed 30, 2010.

All relief requested and not expressly granted is denied.

SIGNED on this the /3 Hay of August, 2010.

PRESIDING JUDGE

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