

CAUSE NO. 366-141-07

LESTER JON RUSTON	§	IN THE DISTRICT COURT
	§	
v.	§	
	§	
COLLIN COUNTY, ET AL.; PLANO	§	
POLICE DEPARTMENT; PLANO	§	
INDEPENDENT SCHOOL DISTRICT;	§	COLLIN COUNTY, TEXAS
HAVERLY PLACE APARTMENTS;	§	
ABERNATHY, ROEDER, BOYD &	§	
JOPLIN; DALLAS POLICE	§	
DEPARTMENT	§	366 <sup>TH</sup> JUDICIAL DISTRICT

**ORDER DECLARING LESTER JON RUSTON A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE & REMEDIES CODE CHAPTER 11 AND ISSUING A PRE-FILING ORDER PROHIBITING LESTER JON RUSTON FROM FILING ANY FURTHER LAWSUITS WITHOUT PERMISSION OF THE LOCAL ADMINISTRATIVE JUDGE**

Came on to be considered the MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 filed in the above-referenced cause by Defendant Collin County. The Court, after examining the pleadings and evidence and all briefs submitted, together with authorities, and having considered written arguments of counsel and response of the Plaintiff pro se, is of the opinion and finds that such Motion has merit and should be **GRANTED**.

In support of this ORDER, the Court finds that pro se litigant Lester Jon Ruston has repeatedly abused the judicial system by filing frivolous and malicious lawsuits against governmental entities, judges, attorneys, and private businesses. The Court has been made aware that the Plaintiff has filed no less than 36 lawsuits in Federal Court alone, most of which have been dismissed, many with an express finding that the case was frivolous. Federal Courts routinely describe the Plaintiff as a serial frivolous filer and he has been barred from filing any more lawsuits in the Northern, Eastern and Western Districts of Texas. The Plaintiff's litigation abuse is described more fully below and the prior orders from the Federal Courts are also incorporated herein by reference.

The Court specifically finds that there is no reasonable probability that the Plaintiff Lester Jon Ruston would have prevailed in the instant litigation and that in the seven year period immediately preceding the Plaintiff Lester Jon Ruston has commenced at least five litigations that have been finally determined adversely to the Plaintiff as well as several that have been determined to be frivolous under state or federal laws, in violation of TEX. CIV. PRAC. & REM. CODE §11.054(1).

As noted above, it has been brought to this Court's attention that the Plaintiff has commenced at least 36 lawsuits in addition to the instant case. For example, Federal Judge Thad Heartfield, in his ORDER OF DISMISSAL issued on August 31, 2006, in Case No. 4:06-cv-35, noted that "The Plaintiff is well known for abuse of court", listing at least 36 cases which Lester Jon Ruston has filed.<sup>1</sup> Judge Heartfield detailed how most of the 36 prior cases had been dismissed as frivolous or for violating the "three strikes" rule of 28 U.S.C. Section 1915(g).<sup>2</sup> Additionally, United States Magistrate Judge Stickney described that "Plaintiff has previously filed numerous civil actions"<sup>3</sup>, listing them by case style and cause number. This Court has determined that many of these cases have involved the very same Defendants who are parties to the instant litigation.

The Court specifically notes that because of his abusive litigation conduct, the Plaintiff has previously been expressly barred from filing any further lawsuits against Collin County or its employees and elected officials.<sup>4</sup> Specifically, United States Federal Judge Brown wrote:

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<sup>1</sup>A copy of such ORDER is attached as Exhibit No. 1 to COLLIN COUNTY'S MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11

<sup>2</sup>See, ORDER, Ex. 1, p. 1-2.

<sup>3</sup>See, FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE issued January 10, 2007, in Cause No. 3:06-cv-1582, a copy of which is attached to COLLIN COUNTY'S MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 as Exhibit No. 2.

<sup>4</sup>See, ORDER GRANTING DEFENDANT SANDOVAL'S MOTION FOR SANCTIONS issued by Honorable Judge Paul Brown in Cause No. 4:00-cv-341, a copy of which is attached to COLLIN COUNTY'S MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 as Exhibit No. 3.

Plaintiff Les Ruston is **expressly prohibited from initiating any more lawsuits of any kind or any nature against (1) Judge Sandoval, (2) Collin County, (3) any officers, agents, servants or employees of Collin County, and (4) the undersigned Counsel Robert J. Davis and his Firm MATTHEWS, CARLTON, STEIN, SHIELS, PEARCE, DUNN & KNOTT and any officers, agents, servants or employees of said Firm until it has first been reviewed by the Court for a determination that the claims set forth a legitimate request for relief and approved by the Court for filing and service.**<sup>5</sup>

Given the Plaintiff's "history of threats, criminal conduct and mental instability"<sup>6</sup> and the fact that he has "bombed the courts with frivolous suits"<sup>7</sup>, as stated previously, the Eastern District Northern District, and Western District Federal Courts of Texas have expressly barred the Plaintiff from filing any further litigation absent express written leave of court.<sup>8</sup> United States Judge Fish specifically ordered that "To prevent abuse of the legal system, the clerk shall not -- without written leave from the undersigned -- accept any further filings from the petitioner, Lester Jon Ruston, except in the pending criminal case."<sup>9</sup> This prohibition was implemented by the Eastern District as well.<sup>10</sup> The Western District, too, has recognized the abusive conduct of the Plaintiff and after dismissing 4 cases as frivolous, Magistrate Pitman recommended that he be barred.<sup>11</sup>

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<sup>5</sup>*Id* at page 3 (emphasis added).

<sup>6</sup>See, ORDER, Ex. 1, p. 1

<sup>7</sup>See, page 2 of the REPORT AND RECOMMENDATION of Magistrate Bush issued August 1, 2005, in Cause No. 4:05-cv-292, a copy of which is attached to COLLIN COUNTY'S MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 as Exhibit No. 4.

<sup>8</sup>See, ORDER, Ex. 1, p. 2-3; See Judge Fish's Order in Cause No. 3:05-cv-328, a copy of which is attached to COLLIN COUNTY'S MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 as Exhibit No. 2; See also Magistrate Pitman's Order and Report in Cause No. A-07-cv-030-LY attached to COLLIN COUNTY'S MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 as Exhibit No. 6.

<sup>9</sup>See, Judge Fish's ORDER in Cause No. 3:05-cv-328-6, attached to COLLIN COUNTY'S MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 as Exhibit No. 5, pages 1-2

<sup>10</sup>See, ORDER, Ex. 1, pages 2-3.

<sup>11</sup>See, Magistrate Pitman's Order and Report in Cause No. A-07-cv-030-LY attached to COLLIN COUNTY'S MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 as Exhibit No. 6, page 7.

The Court further finds that after a case or issue has been finally determined against the Plaintiff, he repeatedly relitigates or attempts to relitigate the matter in violation of TEX. CIV. PRAC. & REM. CODE §11.054(2). For example, even though Federal Judge Brown finally and fully dismissed the Plaintiff's claims against Judge Sandoval and Collin County in Cause 4:00-cv-341, the Plaintiff has filed or attempted to file at least 3 more Federal cases against Collin County as well as 2 State Court cases arising from the same allegations.<sup>12</sup> Moreover, it appears that Mr. Ruston has sued Dallas County and/or its Sheriff's Department more than 11 times.<sup>13</sup> He has repeatedly sued Federal Judges, President Bush, the United States of America and the U.S. Secret Service.<sup>14</sup> Texas Attorney General Abbott has been listed in at least 2 Federal lawsuits.<sup>15</sup> As Magistrate Pitman described, the Plaintiff's lawsuit against Attorney General Abbott involved the Plaintiff's grandiose delusion that there is a statewide conspiracy by Judges, District Attorneys, lawyers, Police Departments, School Districts, and others to have him kidnaped and/or murdered.<sup>16</sup> This appears to be the same matters and allegations which Plaintiff is attempting to litigate in the pending case before this Court.

The Court specifically finds that the Plaintiff meets all the criteria for being determined to be a Vexatious Litigant under both TEX. CIV. PRAC. & REM. CODE §11.054(1) and TEX. CIV. PRAC. & REM. CODE §11.054(2).

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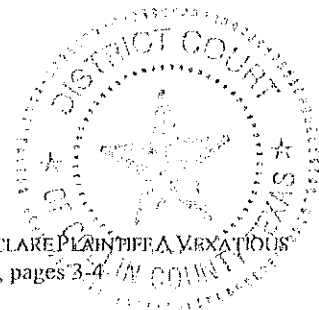
<sup>12</sup>These cases are contained in the Eastern, Northern and Western District Courts' website docketsheets for Mr. Ruston attached to COLLIN COUNTY'S MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 as Exhibit No. 7.

<sup>13</sup>*Id.*

<sup>14</sup>*Id.*

<sup>15</sup>*Id.*

<sup>16</sup>See, Magistrate Pitman's Report, attached to COLLIN COUNTY'S MOTION TO DECLARE PLAINTIFF A VEXATIOUS LITIGANT PURSUANT TO TEXAS CIVIL PRACTICE AND REMEDIES CODE CHAPTER 11 Ex. 6, pages 3-4



**IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED** that **LESTER JON RUSTON** be and hereby is declared a **Vexatious Litigant** pursuant to Chapter 11 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE.

**IT IS FURTHER ORDERED** that **LESTER JON RUSTON** be and hereby is prohibited from filing in propria persona any new litigation in a court of this State unless permission has been granted by the local Administrative Judge, as authorized by TEX. CIV. PRAC. & REM. CODE §11.101;

**IT IS FURTHER ORDERED** that the District Clerk of Collin County notify the Office of Court Administration of the Texas Judicial System that **LESTER JON RUSTON** has been determined to be a vexatious litigation and that a pre-filing Order has been issued against **LESTER JON RUSTON**, as authorized by TEX. CIV. PRAC. & REM. CODE §11.104;

**IT IS FURTHER ORDERED** that **LESTER JON RUSTON** be and hereby is prohibited from initiating any more lawsuits of any kind or any nature against;

- (1) Collin County, Texas;
- (2) any officers, agents, servants or employees of Collin County, Texas;
- (3) the undersigned Counsel Robert J. Davis and his Firm MATTHEWS, STEIN, SHIELS, PEARCE, KNOTT, EDEN & DAVIS, L.L.P. and any officers, agents, servants or employees of said Firm;
- (4) Plano Independent School District,
- (5) any officers, agents, servants or employees of Plano Independent School District;
- (6) Counsel Larry Boyd and J. Timothy Brightman and their Firm ABERNATHY, ROEDER, BOYD & JOPLIN, P.C. and any officers, agents, servants or employees of said Firm;
- (7) Haverly Place Apartments;

- (8) any officers, agents, servants or employees of Haverly Place Apartments or any entity which may exercise control over same;
- (9) the Plano Police Department or City of Plano;
- (10) any officers, agents, servants or employees of the City of Plano or Plano Police Department;
- (11) the Plano City Attorney's Office or any officers, agents, servants or employees of said Plano City Attorney's Office;
- (12) the Dallas Police Department or City of Dallas;
- (13) any officers, agents, servants or employees of the City of Dallas or Dallas Police Department; and
- (14) Counsel Tatia Randolph and the Dallas City Attorney's Office and any officers, agents, servants or employees of said Dallas City Attorney's Office

until it has first been reviewed by the Administrative Judge of Collin County for a determination that the claims set forth a legitimate request for relief and approved by the Court for filing and service.

**IT IS FURTHER ORDERED** Collin County recover all costs in its behalf expended of and from said Plaintiff Lester Jon Ruston, for which let execution issue.

Signed this the 12/ day of June, 2007.

  
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**JUDGE PRESIDING**

