



NO. 2015-CI-00877

**IN THE MATTER OF
THE MARRIAGE OF**

**ANGELA ROSE MENDIVES
AND
ROBERTO CARLOS MENDIVES**

AND IN THE INTEREST OF

CHILDREN

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IN THE DISTRICT COURT

224TH JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

**ORDER ON ANGELA ROSE MENDIVES' MOTION TO DECLARE
ROBERTO CARLOS MENDIVES A VEXATIOUS LITIGANT**

On October 6, 2016, the Court heard the Motion of ANGELA ROSE MENDIVES to declare ROBERTO CARLOS MENDIVES a Vexatious Litigant and Request for Security.

Appearances

Petitioner, ANGELA ROSE MENDIVES, appeared in person and through attorney of record, VELIA J. MEZA, and announced ready for trial.

Respondent, ROBERTO CARLOS MENDIVES, although duly and properly cited, did not appear and wholly made default.

Record

The record of testimony was duly reported by the court reporter for the 40745 Judicial District Court.

Jurisdiction and Domicile

The Court finds that the pleadings of Petitioner are in due form and contain all the allegations, information, and prerequisites required by law. The Court, after receiving

FILED FOR THE CLERK OF DISTRICT COURT BEXAR COUNTY TEXAS

evidence, finds that it has jurisdiction of this case and of all the parties and that at least sixty days have elapsed since the date the suit was filed.

All persons entitled to citation were properly cited.

Findings

The Court FINDS that over the last seven years, ROBERTO CARLOS MENDIVES has filed and commenced, prosecuted, or maintained as a *pro se* litigant numerous lawsuits other than in small claims court that have been finally determined adversely to him. These include, but are not limited to the following litigations finally determined adversely to ROBERTO CARLOS MENDIVES.

1. Cause No. 2015-CI-00877 District Court, 224th Judicial District, Bexar County
Demand for Dismissal of Enforcement of Child Support Order Due to the Judicial Branch of Government Violating Its Constitutional Creation and Exceeding Its Constitutional Limitation Under the Separation of Powers Doctrine AND Motion to Recuse From This Case Honorable Judges John D. Gabriel and Honorable Judge Cathy Stryker
DENIED by 4th Administrative Judicial Region-Hon. Peeples on 09/27/2016
2. Cause No. 2016-CI-13874 District Court, 45th Judicial District, Bexar County
Writ of Habeas Corpus
Heard by Hon. Charles Montemayor
DENIED on 09/16/2016
3. Cause No. 04-16-00130-CV Fourth Court of Appeals, San Antonio, Texas
Petition for Writ of Mandamus
DENIED on 03/15/2016, Opinion attached
4. Cause No. 04-16-00123-CV Fourth Court of Appeals, San Antonio, Texas
Roberto Carlos Mendives, Sr., Appellant v. Angela Rose Mendives, Appellee, Pro Se Appellant Brief
DISMISSED on 06/22/2016, Opinion attached
5. Cause No. 04-16-00539-CV Fourth Court of Appeals, San Antonio, Texas
Petition for Writ of Mandamus
DENIED on 08/24/2016, Opinion attached

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6. Cause No. 5:16-CV-0015-RP U.S. District Court for the Western District of Texas, San Antonio Division
Notice of Removal
DISMISSED on 01/20/2016 and Remanded to State Court, Opinion attached
7. Cause No. 5:16-CV-0082-RP U.S. District Court for the Western District of Texas, San Antonio Division
Writ of Mandamus, Petition for Writ of Quo Warranto, and Motion for Declaratory Judgment, for Hearing, for Parental Adjudication Hearing, and for Three Federal Court Judges and at Least Three Supreme Court Judges and Grand Jury
DENIED on 04/20/2016, Opinion attached

A party may be declared a vexatious litigant if there is not a reasonable probability that he will prevail in litigation and the party has either (1) in the seven-year period immediately preceding the date the defendant makes the motion under Section 11.051, has commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant other than in a small claims court that have been finally determined adversely to the plaintiff or (2) the plaintiff has previously been declared to be a vexatious litigant by a state or federal court in any action or proceeding based on the same or substantially similar facts, transition, or occurrence. TEX. CIV. PRAC. REM. CODE § 11.054 (1) and (3).

Accordingly, after reviewing the record and all the pleadings in the case, this Court FINDS that there IS NOT a reasonable probability that ROBERTO CARLOS MENDIVES will prevail in any litigation surrounding the Petition for Divorce filed on January 20, 2015.

The Court also FINDS that ROBERTO CARLOS MENDIVES has in the seven-year period immediately preceding the date that ANGELA ROSE MENDIVES filed this motion under Section 11.051, ROBERTO CARLOS MENDIVES has commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant other than in a small claims court that have been finally determined adversely to ROBERTO CARLOS MENDIVES.

10-09-2016 10:04:00 AM

The Court ORDERS that ROBERTO CARLOS MENDIVES is prohibited from filing *pro se* any new litigation in a court in this state under the name ROBERTO CARLOS MENDIVES without first being granted permission to file by the local administrative judge pursuant to TEX. CIV. PRAC. REM. CODE § 11 .101. Such permission shall be granted only if the litigation appears to have merit and is not filed for purposes of harassment or delay; such permission may also be conditioned on the furnishing of a security.

ROBERTO CARLOS MENDIVES is hereby NOTIFIED that he is subject to punishment pursuant to the inherent powers of the court or by contempt if he fails to obey this pre-filing order.

The Court further ORDERS that the Clerk of the Court is directed to notify the Office of Court Administration of this Court's declaration of ROBERTO CARLOS MENDIVES as a vexatious litigant and this pre-filing order, pursuant to TEX. CIV. PRAC. REM. CODE § 11.103 (a). The Office of Court Administration of the Texas Judicial System shall list ROBERTO CARLOS MENDIVES a vexatious litigant subject to pre-filing orders on the agency's Internet website. TEX. CIV. PRAC. REM. CODE § 11.103(b).

If the Administrative judge finds that a new lawsuit has merit, then ROBERTO CARLOS MENDIVES is ORDERED to deposit with the Bexar County District Clerk's Office, Cost and Trust Department, the amount of \$7,500.00 to guarantee payment to ANGLEA ROSE MENDIVES for reasonable expenses, including its costs and attorney fees incurred in the defense of any new lawsuit.

If ROBERTO CARLOS MENDIVES does not provide the security within three business days of the filing, the court will dismiss this litigation as to ANGELA ROSE MENDIVES.

