

CAUSE NO. 20250194CV3

JOHN CORNELIUS MONTGOMERY

*Plaintiffs,*

v.

STATE OF TEXAS DPS/POLICE  
DEPARTMENT, ET AL.

*Defendant.*

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IN THE COUNTY COURT

AT LAW NO. 3

McLENNAN COUNTY, TEXAS

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**ORDER GRANTING PLEA TO THE JURISDICTION AND, SUBJECT THERETO,  
MOTION TO DECLARE PLAINTIFF TO BE A VEXATIOUS LITIGANT**

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ON THE <sup>12<sup>th</sup></sup> day of June, 2025, after due and proper notice, came on to be heard the Plea to the Jurisdiction and, Subject thereto, Motion to Declare Plaintiff to be a Vexatious Litigant, filed in the above cause by Walter H. Peterson and McLennan County, Texas. Plaintiff John Cornelius Montgomery, proceeding *pro se*, appeared / did not appear for the hearing and Defendants Walter H. Peterson and McLennan County, Texas appeared, by and through their counsel of record.

After considering the Plea to the Jurisdiction and, Subject thereto, Motion to Declare Plaintiff to be a Vexatious Litigant and the evidence and arguments offered during said hearing thereon, the Court is of the opinion and finds that the Plea to the Jurisdiction and, Subject thereto, Motion to Declare Plaintiff to be a Vexatious Litigant, should be in all things granted.

It is, therefore, ORDERED that the Plea to the Jurisdiction portion of the filing by Defendants Walter H. Peterson and McLennan County, Texas, is GRANTED. This Court does not have subject matter jurisdiction over the claims Plaintiff is attempting to make in this case and, therefore, all claims and causes of action herein of Plaintiff, John Cornelius Montgomery,

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against Defendants Walter H. Peterson and McLennan County, Texas and all offices, departments, and personnel of McLennan County are hereby in all things DISMISSED. And because there appears to be no possibility that Plaintiff could ever demonstrate subject matter jurisdiction for the matters he has raised in the above cause, the dismissal is WITH PREJUDICE.

Additionally, the Court finds, pursuant to *Tex. Civ. Prac. & Rem. Code* § 11.054, that Plaintiff John Cornelius Montgomery is and is hereby declared to be a VEXATIOUS LITIGANT. *and considering the evidence admitted at the hearing* Having taken judicial notice of Plaintiff's prior filings, including his various filings in federal court as listed in Defendants' motion, this Court determines that Plaintiff has repeatedly relitigated and attempted to relitigate substantially the same matters against substantially the same defendants, despite various final rulings against him, including rulings dismissing his prior cases and finding his claims to be frivolous. *JP* See *Tex. Civ. Prac. & Rem. Code* § 11.054(2). Additionally, the evidence before the Court establishes that Plaintiff has previously been found to be a vexatious litigant by the United States District Court for the Western District of Texas. See *Tex. Civ. Prac. & Rem. Code* § 11.054(3). In fact, after being declared a vexatious litigant by the United States District Court for the Western District of Texas, Plaintiff filed at least two additional lawsuits in federal court naming McLennan County or its personnel as defendants and making the same basic claims as he is attempting to make in the above cause.

Because Plaintiff is hereby declared to be a vexatious litigant, it is ORDERED that the clerk of this Court shall provide a copy of this order to the Office of Court Administration and that Plaintiff shall be placed on the Texas vexatious litigant list. It is further ORDERED that Plaintiff may not file any new or additional litigation or case in any court of the State of Texas unless and until he first obtains permission from the appropriate local administrative judge. Until

such permission is obtained by Plaintiff, based on the appropriate administrative judge's determination that Plaintiff's proposed case or litigation has merit and is not filed for purposes of delay or harassment, no defendant named in any lawsuit filed by Plaintiff has any obligation to answer or otherwise respond to any case filed by him in any court of the State of Texas and no default may be taken against any such defendant.

So ORDERED this 12 day of June, 2025.

  
JUDGE PRESIDING