

KEYPUNCH-  
PICK UP THIS DATE

5/30/07

NO. 878400

MICHAEL G. WASHINGTON

§  
§  
§  
§  
§

IN THE COUNTY CIVIL

VS. **829529**

COURT AT LAW NO. 2

HARRIS COUNTY, TEXAS AND  
EVA MORALES

HARRIS COUNTY, TEXAS

SK  
6-14

**DEFENDANT HARRIS COUNTY'S MOTION  
TO DECLARE MICHAEL G. WASHINGTON A VEXATIOUS LITIGANT**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Harris County, Texas, the Defendant herein, and files this Motion to Declare Michael G. Washington a vexatious litigant pursuant to with Chapter 11 of the Texas Civil Practice and Remedies Code and would show the following:

I.

Defendant Harris County's Original Answer in this cause was filed on May 29, 2007, and this Motion is filed within 90 days of such answer date in accordance with §11.051, TEX. CIV. PRAC & REM. CODE.

II.

Michael Washington is currently, and has been at all time material hereto, been incarcerated as an inmate in the Institutional Division of the Texas Department of Criminal Justice.

III.

Section 11.054, TEX. CIV. PRAC. & REM. CODE, provides that a Court may find that a plaintiff is a vexatious litigant if the plaintiff has in the last seven years filed at least five litigations in propia persona in other than small claims court that have been finally determined adversely to the plaintiff. Michael G. Washington filed this lawsuit "pro se."

799-88-2151

1. In an order dated November 29, 2006, County Civil Court at Law No Two Judge Gary Michael Block dismissed cause number 872205 for want of prosecution, for lack of merit. Certified copies of Washington's complaint and the Order disposing of same are attached hereto as Exhibit A and incorporated herein by reference.
2. On November 3, 2006, County Civil Court at Law No. 1 Judge R. Jack Cagle dismissed cause number 872206 for want of prosecution. Certified copies of the Petition and Order are attached hereto as Exhibit B and incorporated herein by reference for all purposes.
3. On November 29, 2006, County Civil Court at Law No. 2 Judge Gary Michael Block signed an Order dismissing cause no. 875235 for want of prosecution, for lack of merit. Certified copies of the Petition and Order are attached hereto as Exhibit C and incorporated herein by reference for all purposes.
4. On November 29, 2006, County Civil Court at Law No. 2 Judge Gary Michael Block signed an Order dismissing cause no. 875404 for want of prosecution, for lack of merit. Certified copies of the Petition and Order are attached hereto as Exhibit D and incorporated herein by reference for all purposes.
5. On November 17, 2006, County Civil Court at Law No. 1 Judge R. Jack Cagle signed an Order dismissing cause no. 876963 for want of prosecution. Certified copies of the Petition and Order are attached hereto as Exhibit E and incorporated herein by reference for all purposes.

## IV.

Pursuant to § 11.054, TEX. CIV. PRAC. & REM. CODE, this Court may find that Plaintiff is a vexatious litigant. Pursuant to § 11.055, TEX. CIV. PRAC. & REM. Code, this

Court may order Plaintiff to furnish security for the benefit of the Defendant, and pursuant to § 11.101, enter an order prohibiting Plaintiff from filing in propria persona any new litigation without the permission of the administrative judge of the court in which Plaintiff intends to file such litigation.

WHEREFORE, PREMISES CONSIDERED, Defendant Harris County prays that Michael G. Washington be found to be a vexatious litigant, that an order be entered that Plaintiff furnish security, that an order be entered that Plaintiff not be permitted to file any new litigation without first obtaining permission of the local administrative judge, and for such other and further relief, both general and special, at law and at equity, to which Defendants may be justly entitled.

Respectfully submitted,

MIKE STAFFORD  
Harris County Attorney

By Frank Sanders  
Frank Sanders SBN 17588500  
Assistant County Attorney  
1019 Congress Ave., 15<sup>th</sup> Floor  
Houston, Texas 77002  
(713) 755-7961  
(713) 755-8924 fax

FILED

2007 MAY 30 PM 3:41

*Beverly L. King*  
COUNTY CLERK  
HARRIS COUNTY, TEXAS

**CERTIFICATE OF SERVICE**

I hereby certify that on May 30, 2007, a true and correct copy of Defendant's Motion to Declare Michael G. Washington a Vexatious Litigant and proposed Order were mailed by certified mail, return receipt requested to Michael G. Washington, #351532, P.O. Box 16, Lovelady, Texas 75857.

Frank Sanders  
FRANK E. SANDERS  
Assistant County Attorney

799-88-2153

NO. 878400

MICHAEL G. WASHINGTON

VS.

HARRIS COUNTY, TEXAS AND  
EVA MORALES

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§  
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IN THE COUNTY CIVIL  
COURT AT LAW NO. 2

HARRIS COUNTY, TEXAS

*Set  
6-14  
SIC*

ORDER

BE IT REMEMBERED on the day herein below written, came on for hearing Defendant Harris County's Motion to Declare Michael G. Washington a Vexatious Litigant, and the Court having considered the said motion is hereby in all things GRANTED and IS FURTHER ORDERED that the above entitled and numbered cause.

SIGNED this the \_\_\_\_\_ day of JUN 14 2007, 2007

*[Signature]*  
JUDGE PRESIDING

FILED  
2007 MAY 30 PM 3:20  
HARRIS COUNTY CLERK  
HARRIS COUNTY TEXAS

APPROVED AND ENTRY REQUESTED:

MIKE STAFFORD - 99999939  
County Attorney

*[Signature]*

FRANK E. SANDERS, SBN 17588500  
Assistant County Attorney  
1019 Congress, 15<sup>th</sup> Floor  
Houston, Texas 77002  
Telephone: (713) 755-7961  
Facsimile: (713) 755-8924

FILED  
2007 JUN 14 AM 11:52  
Beverly B. Kaufman  
COUNTY CLERK  
HARRIS COUNTY TEXAS

ATTORNEYS FOR DEFENDANT  
HARRIS COUNTY

FES/WASHINGTON/M-VEXLIT/EB

A CERTIFIED COPY

JUN 14 2007

ATTEST:  
BEVERLY B. KAUFMAN, County Clerk  
Harris County, Texas

*[Signature]*  
Deputy  
Andrew Palomo

RECEIVED  
JUN 18 2007  
OFFICE OF  
COURT ADMINISTRATION