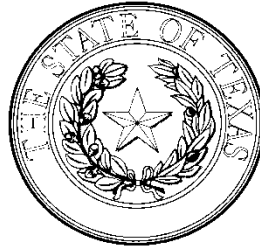


Opinion issued December 1, 2022



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-22-00642-CV

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**EDMUND B. HEIMLICH, Appellant**

v.

**DAVID S. COOK, DEPENDENT ADMINISTRATOR OF THE ESTATE OF  
ERNEST L. HEIMLICH, DECEASED, Appellee**

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**On Appeal from the Probate Court No. 1  
Harris County, Texas  
Trial Court Case No. 495484-401**

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**MEMORANDUM OPINION**

Appellant, Edmund B. Heimlich, is attempting to appeal from various trial court orders.

Appellant has been declared a vexatious litigant and is subject to a prefiling order. Accordingly, appellant may not proceed with an appeal without a permission order from the local administrative judge. Because appellant has not obtained such an order, we dismiss the appeal.

The Office of Court Administration website lists all vexatious litigants subject to prefiling orders. See OFFICE OF COURT ADMINISTRATION, *List of Vexatious Litigants Subject to Prefiling Order*, <http://www.txcourts.gov/judicial-data/vexatious-litigants/> (list last updated November 28, 2022); see also TEX. CIV. PRAC. & REM. CODE § 11.104(b) (requiring office of court administration to maintain list and post list of vexatious litigants on agency's website). Appellant is one such litigant. This pre-filing order was signed on April 14, 2022, in *Estate of Ernest L. Heimlich, Deceased*, Cause No. 495484 in the Probate Court No. 2 of Harris County, Texas. See OFFICE OF COURT ADMINISTRATION, *List of Vexatious Litigants Subject to Prefiling Order*, <http://www.txcourts.gov/judicial-data/vexatious-litigants/> (listing vexatious litigants subject to prefiling orders) (last viewed November 28, 2022); see also *Douglas v. Am. Title Co.*, 196 S.W.3d 876, 878 n.2 (Tex. App.—Houston [1st Dist.] 2006, no pet.) (taking judicial notice of Harris County record of vexatious litigants).

The Clerk of this Court may not file an appeal presented by a vexatious litigant subject to a prefiling order unless (1) the litigant first obtains an order from the local

administrative judge permitting the filing or (2) the appeal is from a prefiling order designating the person a vexatious litigant. *See* TEX. CIV. PRAC. & REM. CODE § 11.103(a), (d). Appellant's appeal is not an appeal from the prefiling order designating him a vexatious litigant. Thus, appellant may not proceed with his appeal unless the local administrative judge permitted this filing.

This Court issued a notice to appellant advising him that we would dismiss his appeal unless he responded within 14 days with proof that, before filing the appeal, he had obtained an order from the local administrative judge permitting the appeal. Appellant responded to the notice, but he did not include proof that he obtained an order from the local administrative judge permitting the filing of this appeal. *See* TEX. CIV. PRAC. & REM. CODE § 11.103(a) (stating that clerk of court may not file appeal by vexatious litigant subject to prefiling order unless litigant obtains order from local administrative judge).

Because appellant fails to make the requisite showing that the local administrative judge permitted the appeal, we dismiss the appeal. *See Kastner v. Fulco*, No. 01–13–00100–CV, 2013 WL 6157392, at \*1–2 (Tex. App.—Houston [1st Dist.] Nov. 21, 2013, no pet.) (dismissing appeal after providing notice of intent to dismiss because vexatious litigant appellant failed to provide copy of order permitting filing of appeal); *McCray v. Prudential Ins.*, No. 14–12–00860–CV, 2012

WL 5586804, at \*1 (Tex. App.—Houston [14th Dist.] Nov. 15, 2012, no pet.)  
(same).

Accordingly, we dismiss the appeal. *See* TEX. R. APP. P. 42.3(a), (c); 43.2(f).

We dismiss any pending motions as moot.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Landau and Hightower.