

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-22-00738-CV

In Re Daniel Montes, Jr.

ORIGINAL PROCEEDING FROM HAYS COUNTY

MEMORANDUM OPINION

Relator is a vexatious litigant and has filed a document, which we treat as a petition for writ of mandamus based on the substance of his filing, challenging the order of the local administrative judge denying Relator's request for leave to file a motion to vacate the prefiling order. *See* Tex. Civ. Prac. & Rem. Code §§ 11.101, .102; *see also Surgitek, Bristol-Myers Corp. v. Abel*, 997 S.W.2d 598, 601 (Tex. 1999) (considering the substance of pleading rather than form or caption to determine its nature). We deny the petition for writ of mandamus. Relator's motion to proceed in forma pauperis is also denied.

Darlene Byrne, Chief Justice

Before Chief Justice Byrne, Justices Triana and Kelly

Filed: November 29, 2022