

United States Court of Appeals

Fifth Circuit

FILED

January 29, 2007

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUITCharles R. Fulbruge III
ClerkNo. 06-10021
Summary Calendar

ROBERT J. GRODEN,

Plaintiff-Counter Defendant-Appellee,

versus

JACKIE DIANE ALLEN, ET AL.,

Defendants,

RICHARD BRENTON TOBIAS,

Defendant-Counter Claimant-Appellant.

Appeal from the United States District Court
for the Northern District of Texas
No. 3:03-CV-1685

Before SMITH, WIENER, and OWEN, Circuit Judges.

PER CURIAM:*

Richard Tobias, a sanctioned litigant, requests permission to proceed in forma pauperis on appeal of the denial of fourteen post-judgment motions. Tobias's motion and appeal are frivolous and without arguable merit. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Accordingly, the motion is DENIED.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

This court previously sanctioned Tobias for filing frivolous appeals and warned him that the filing of repetitious or frivolous actions would invite the imposition of additional sanctions. See Tobias v. Young, No. 95-10577 (5th Cir. Apr. 11, 1996) (unpublished); Tobias v. Brown, No. 95-40379 (5th Cir. Aug. 24, 1995) (unpublished); Groden v. Allen, No. 06-10366 (5th Cir. July 27, 2006) (unpublished). Accordingly, we order Tobias to pay \$500 in sanctions to the Clerk of this court.

Tobias is BARRED from filing in this court, or in any court subject to this court's jurisdiction, any appeal, motion, and/or pleading in connection with this case until the total amount of the sanction imposed is paid in full. Tobias is further BARRED from filing any pro se, in forma pauperis, civil appeal in this court, or any pro se, in forma pauperis, initial civil pleading in any court subject to this court's jurisdiction until the total amount of the sanction is paid in full.

Any submissions that do not show proof that the sanction has been paid will be neither addressed nor acknowledged. On proof that the sanction has been paid, Tobias is required to seek advance written permission of a judge of the forum court before filing any pro se, in forma pauperis, civil appeal, or any pro se, in forma pauperis, initial civil pleading.

The Clerk of this court and the Clerks of all federal district courts in this circuit are directed to return to Tobias, unfiled, any attempted submission inconsistent with this bar. Tobias is

cautioned that any future frivolous or repetitive filings in this court or any court subject to this court's jurisdiction will subject him to additional sanctions.

PERMISSION DENIED; SANCTION IMPOSED.