

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

WILLIAM BERTHOLD

PLAINTIFF

VS.

4:22CV00098 JM

**ARKANSAS LOCAL POLICE AND
FIRE RETIREMENT SYSTEM**

DEFENDANT

ORDER

This case was transferred to this Court from the United States District Court Northern District of Texas on February 7, 2022. Arkansas attorney Brandon Lacy entered an appearance on behalf of the plaintiff on February 10, 2022. On March 22, 2022 the Court granted the Plaintiff's motion for voluntary dismissal based on lack of subject matter jurisdiction. Pending is Defendant's motion for sanctions filed prior to the dismissal of the case. (Docket #44). The Court has reviewed the pleadings and the case file and finds that a hearing is not necessary to decide the pending motion.

Defendant asks the Court to sanction Plaintiff's prior Texas attorney for violations of Rule 11 of the Federal Rules of Civil Procedure and pursuant to 28 U.S.C. §1927. Defendant seeks an award of attorney's fees and costs in the amount of \$30,450.91. Defendant filed a nearly identical motion for sanctions in the United State District Court Northern District of Texas on January 24, 2022. The Honorable Karen Gren Scholer, United States District Judge, denied the motion on January 26, 2022. This Court will not sanction the Plaintiff's Texas attorney for actions which took place in the Northern District of Texas, prior to the transfer of this case to this Court, especially in light of Judge Scholer's previous denial of the motion.

Accordingly, Defendant's motion for sanctions, docket 44 is DENIED. The Clerk is

directed to close the case.

IT IS SO ORDERED this 10th day of May, 2022.



UNITED STATES DISTRICT JUDGE