

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

AUG 12 2014

Clerk, U.S. District Court
District Of Montana
Missoula

CV-14-mc-00007-DLC-JCL

IN RE:

CHARLES ADAM FIECHTNER, SR.

ORDER

Plaintiff Charles Fiechtner began filing lawsuits in this Court in 2011. In 2011, he was a party to 11 lawsuits which were ultimately dismissed for improper venue and/or as frivolous. Between January 23, 2013 and February 6, 2013, Fiechtner filed 24 lawsuits which were also dismissed. Ultimately, a vexatious litigant order was issued against Fiechtner limiting his litigation activities. *See Fiechtner v. Young, et al.*, 13-cv-09-M-DLC-JCL, Doc. 3, Order dated March 4, 2013. Pursuant to that Order, all further filings by Fiechtner are done in this miscellaneous civil case for review by the undersigned. Since the filing of the March 4, 2013 vexatious litigant Order, Fiechtner has filed 150 Complaints.

The Court, however, is concerned with Fiechtner's activities while physically present in the Clerk of Court's Office which have been no less disruptive to the administration of justice than his vexatious filings. There is little authority addressing the Court's authority to limit a litigant's actual physical entry

into the Clerk of Court's Office but such an order does not implicate the constitutional rights of access to the court like a pre-filing order. The Court has been advised that for approximately the last seven months, Fiechtner has visited and telephoned the Clerk of Court's Office on numerous occasions dominating the Clerk's Office staff's time and materials. Fiechtner seems to be using the Clerk of Court's Office as his own personal office. He not only monopolizes staff for hours at a time, he demands supplies such as copies, file folders, white out, and forms on a frequent basis. Fiechtner's communications with Clerk's Office staff has been relentless and intense. He is accusatory, intimidating, and threatens legal action.

The Court is also concerned with Fiechtner's unfounded allegations of Clerk's Office personnel violating the law and threatening them with legal action. For example, on June 5, 2014, Fiechtner contacted local law enforcement and attempted to file a complaint with the Missoula City Police Department for obstructing justice against personnel at the Clerk's office. Since that occasion the United States Marshal's Office has requested that Court Security Officers closely monitor Fiechtner when he is in the building. Thus, Court Security Officers now escort and observe Fiechtner when he is present in the Courthouse including the Clerk's Office. This is a timely proposition as Fiechtner spends excessive periods of time in the Clerk's Office (anywhere from a half hour to an hour and half). The

time spent in the Clerk's Office occupies both Court Security Officers time (taking away time from their regular duties in providing security for the Courthouse) and the Clerk's Office staff. Fiechtner's presence in the Clerk's Office is disruptive in that he engages staff in multiple conversations demanding supplies and forms, and copying services. Clerk's Office staff is unable to complete their regular duties in a timely fashion with Fiechtner's continued presence at the counter.

The Court finds that a suitably tailored order limiting Fiechtner's access to the Clerk of Court's Office is amply justified.

Accordingly, the Court issues the following:

ORDER

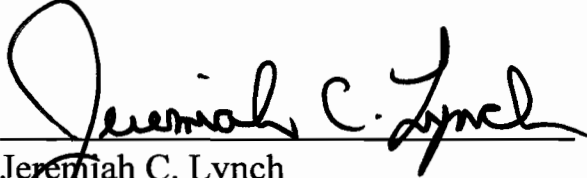
1. Fiechtner shall not telephone the Clerk's Office of the District Court for the District of Montana. All correspondence with the Clerk's Office must be done in writing. If Fiechtner has good cause to telephone the Clerk of Court's Office, he may seek an amendment to this order by filing a motion with this Court.

2. Fiechtner will no longer be allowed to physically enter the Clerk of Court's Office at the Russell Smith Courthouse in Missoula, Montana. He may present all filings to the Court Security Officers at the entry of the building. The Court Security Officers will immediately bring all documents submitted by Fiechtner to the Clerk of Court's Office for processing. In order to obtain a file

stamped copy of any pleading, Fiechtner must provide a self-addressed stamped envelope with a copy of the filing (or first page thereof) to be file stamped.

Alternatively, Fiechtner may provide an e-mail address where copies of the Notice of Electronic Filing can be sent.

DATED this 12th day of August, 2014.



Jeremiah C. Lynch
United States Magistrate Judge