

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
4:19-MC-1-H

DANIEL J. WILLIS,)
)
Plaintiff,)
)
v.)
)
TRENTON TOWN COUNCIL, et al.)
)
Defendants.)

ORDER

This matter is before the court on plaintiff's motion for leave to file a new civil action [DE #1]. The instant matter is one in a plethora of actions plaintiff Daniel J. Willis has brought or attempted to bring against various defendants for more than two decades. Plaintiff is subject to two prefiling injunctions in the Eastern District of North Carolina, one entered by this court and one entered by the Fourth Circuit.

Because of plaintiff's history of frivolous filings and appeals, by order dated March 17, 1997, the United States Court of Appeals for the Fourth Circuit enjoined plaintiff

from filing pleadings in any pending lawsuit, or commencing, or attempting to initiate any new lawsuit, action, proceeding, or matter in

the United States District Court for the Eastern District of North Carolina against any person or entity in forma pauperis without first obtaining leave of the court to so proceed.

Prefiling Injunction, Willis v. Town of Trenton, No. 96-2066 (4th Cir. Mar. 17, 1997); see also Willis v. Town of Trenton, No. 4:96-CV-6-H(4) (E.D.N.C. Apr. 5, 2002) (imposing additional prefiling injunction), aff'd, No. 02-1510 (4th Cir. Nov. 15, 2002).

In the Fourth Circuit's March 17, 1997, prefiling injunction, the court noted that plaintiff had by then already amassed an "exceptional history of frivolous filings and appeals," and found it necessary to take "extraordinary measures to safeguard its resources for those litigants who seek its services in good faith."

Id.

The Fourth Circuit's prefiling injunction dictates the manner in which Mr. Willis may seek leave of court to file:

In seeking such leave, Willis shall file a motion for leave to file a pleading in a pending action or a new civil action with an attached copy of his proposed complaint and the motion shall be supported by Willis's affidavit. The affidavit attached to the motion shall concisely state the following information: (1) the names of all proposed defendants; (2) the primary factual allegations upon which Willis's claim or pleading is based; (3) the legal basis for the claim pleading; (4) whether Willis has previously litigated the claim in any court or administrative forum; (5) whether Willis ever sued the named defendants in any other civil

case; (6) if Willis has previously sued any named defendant, he will indicate the case name, court, date, and outcome; and (7) a listing of all other cases previously filed.

Prefiling Injunction at 2 (emphasis in original).

The Fourth Circuit has ordered that if Mr. Willis's "motion, affidavit or filings fail to satisfy the designated requirements in any manner, the motion will not be considered." Prefiling Injunction at 2.

Additionally, in 2002, this court enjoined plaintiff from "filing any additional cases in this district involving the Town of Trenton or defendant Leggett without prior approval of the court." Willis v. Town of Trenton, No. 4:96-CV-6-H(4) (E.D.N.C. Apr. 5, 2002) (imposing additional prefiling injunction), aff'd, No. 02-1510 (4th Cir. Nov. 15, 2002).

A review of the motion and affidavit before the court today reveals that plaintiff Willis has failed to comply with the requirements for the affidavit as contained in the Fourth Circuit's prefiling injunction. For example, the list of proposed defendants (Requirement Number One) does not match the defendants listed on the proposed complaint. Additionally, Willis fails to comply with Requirement Number Six, namely to indicate the case name, court, date, and outcome for any case in which he has previously sued a named defendant.

This court understands that providing this information for

each case against any defendants that Mr. Willis has previously filed could prove to be an onerous task, as he has been such a prolific filer. However, this is the exact reason that the Fourth Circuit has placed such requirements on Mr. Willis. Furthermore, this court must follow the order of the Fourth Circuit. Inasmuch as Mr. Willis has failed to comply with the requirements of the prefiling injunction, this court cannot consider his motion.

CONCLUSION

For the foregoing reasons, plaintiff's motion for leave to file is DENIED. All other pending motions are deemed moot. The clerk is directed to close these matters.

This 8th day of October 2020.



MALCOLM J. HOWARD
Senior United States District Judge

At Greenville, NC
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