

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

ELIJAH W. RATCLIFF §
v. § CIVIL ACTION NO. 9:13CV70
UNAUTHORIZED PRACTICE OF LAW §
COMMITTEE, *et al.* §

ORDER ADOPTING REPORT AND
RECOMMENDATION OF UNITED STATES
MAGISTRATE JUDGE

The Report and Recommendation of the Magistrate Judge, which contains her findings, conclusions, and recommendation for the disposition of this case has been presented for consideration. The Report and Recommendation (document #22) recommends that the Motions to Dismiss (document #9 and #11) be granted and that the complaint be dismissed with prejudice for failure to state a claim upon which relief may be granted because it is barred by the doctrine of *res judicata* pursuant to Fed.R.Civ.P. 12. The Report and Recommendation further recommends that a monetary sanction of \$1000.00 be imposed on Elijah Ratcliff by the Court and that the Clerk be directed to not accept any new filings from Elijah Ratcliff unless and until the full monetary sanction is paid and, if the full monetary sanction is paid, to not accept any new filings without prior judicial approval finding that the pleading has been filed in good faith. Finally, the Report and Recommendation recommends that Defendants' Motion for Sanctions (document #10) be denied to the extent that Defendants seek a monetary sanction of \$3500.00 payable to Defendants, but granted to the extent that Defendants seek an Order striking discovery served on Defendants by Plaintiff.

Plaintiff filed written objections to the Report and Recommendation on July 22, 2013, and July 24, 2013.

Having made a *de novo* review of the written objections filed by Plaintiff, the Court finds that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit. Ratcliff is barred from raising these same claims again in the present lawsuit. Moreover, Ratcliff has a lengthy history of filing frivolous lawsuits and lawsuits with no basis for federal jurisdiction. Multiple sanctions have not deterred Ratcliff's vexatious litigation practices. The Court, therefore, adopts the findings and conclusions of the Magistrate Judge as those of the Court.

In light of the foregoing, it is

ORDERED that the Motions to Dismiss (document #9 and #11) are **GRANTED** and the complaint is **DISMISSED** with prejudice. It is further

ORDERED that a monetary sanction of **\$1000.00** is imposed on Elijah Ratcliff. The Clerk shall not accept any new filings from Elijah Ratcliff unless and until the full monetary sanction is paid. If the sanction is paid in full, the Clerk shall not accept any new filings without prior judicial approval, obtained in response to the filing of a letter brief, finding that the pleading is filed in good faith. It is finally

ORDERED that the Motion for Sanctions (document #10) is **DENIED** to the extent that Defendants seek a monetary sanction of \$3500.00 payable to Defendants. The motion is granted to the extent that the court **STRIKES** all discovery served by Plaintiff on Defendants.

Any motion not previously ruled on is **DENIED**.

So **ORDERED** and **SIGNED** this **6** day of **August, 2013**.



Ron Clark, United States District Judge