

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JOSEPH SCOTT EZELL,  
(TDCJ-CID #680756)

Plaintiff,

VS.

BRAD LIVINGSTON, *et al.*,

Defendants.

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CIVIL ACTION NO. H-11-3571

**MEMORANDUM AND OPINION**

The plaintiff, Joseph Scott Ezell, has filed a handwritten motion that is almost illegible but appears to be titled a “Criminal Conspiracy to Obstruct Justice.” (Docket Entry No. 7). The motion appears to seek judicial intervention, including from the United States Supreme Court, in a case that has been closed for almost four years.

Ezell was sentenced to a 60-year prison term for a 1994 aggravated sexual assault conviction. The conviction followed a jury trial in the 230th Judicial District Court of Harris County, Texas. (Cause Number 94-09775.) The Texas First Court of Appeals affirmed Ezell’s conviction and sentence on May 11, 1995. The Texas Court of Criminal Appeals refused Ezell’s petition for discretionary review on November 1, 1995. Ezell has since filed a number of federal actions and motions. The filings include a 1996 federal petition for a writ of habeas corpus, Civil Action Number H-96-1881, collaterally attacking the 1994 conviction. On January 22, 1998, the court denied Ezell’s petition on the merits. He asserted similar claims in 06-cv-4125, which was dismissed under 28 U.S.C. § 2254 for lack of jurisdiction because there was no indication that the United States Court of Appeals for the Fifth Circuit had authorized the court to consider Ezell’s

successive application, and to the extent he complained of civil rights violations, 28 U.S.C. § 1915(g) barred his claim. He asserted similar claims again in 11-cv-3337, alleging a “Criminal Conspiracy to Obstruct Justice” and asserting that he was denied him access to courts, and stating that he has filed over 360 writs and motions addressed to the United States Supreme Court and sought intervention to prevent the “abortion of justice” and to “rescue” an innocent man. That suit was dismissed. The same result occurred in 11-cv-3571, which was dismissed in October 2011.

Ezell has filed dozens of motions to “Correct Motion to Criminal Conspiracy to Obstruct Justice.” They have all been denied. This most recent motion is also denied. To the extent it seeks habeas relief, it must be dismissed as successive. To the extent it is a civil rights complaint, it must be dismissed under 28 U.S.C. § 1915(g) because of prior frivolous filings. This court has previously warned Ezell that continued frivolous filings may result in the imposition of sanctions. Ezell has ignored this court’s warning and continued to file abusive pleadings that have consumed valuable judicial resources. Ezell was assessed a \$100.00 monetary sanction for his continued frivolous filings in 2011, which he did not pay. Another \$100.00 sanction is imposed. The Clerk is instructed to refuse to accept any further civil actions, including habeas corpus petitions, from Ezell, unless he first obtains express written permission from a judicial officer from this district and provides proof that the \$200.00 sanction imposed against him has been paid.

SIGNED on August 19, 2015, at Houston, Texas.



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Lee H. Rosenthal  
United States District Judge