

United States District Court
Southern District of Texas

ENTERED

October 20, 2021

Nathan Ochsner, Clerk

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

WILLIAM ANDREW ALLEN,
TDCJ #1637192,

Petitioner,

v.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. H-16-0333

ORDER AND SANCTION WARNING

State inmate William Andrew Allen sought relief under the federal habeas corpus statutes from multiple felony convictions from Waller County for aggravated sexual assault of a child, sexual assault of a child, and indecency with a child. The Court entered orders dismissing his claims on April 17, 2017, and entered an amended final judgment on November 8, 2017 (Dkts. # 64, # 74, # 75), after concluding that habeas review was barred by the governing statute of limitations. The Fifth Circuit denied Allen’s petition for a certificate of appealability on August 1, 2018. (Dkt. # 95). Since that time, this Court has denied multiple motions filed by Allen seeking to reopen this case. (Dkts. # 100, # 105, # 107, # 111, # 116). Allen has now filed yet another motion to set aside the final judgment and reopen this case (Dkt. # 118).

The Federal Rules of Civil Procedure do not authorize repetitive challenges

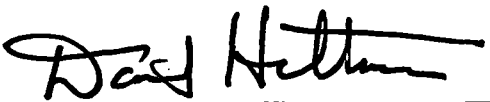
to a final judgment after a case has been dismissed with prejudice and heard on appeal, as this case has been. To the extent that Allen invokes Rule 60(b) of the Federal Rules of Civil Procedure, he does not show that this case was dismissed in error or that there is any basis to set aside the final judgment. Because Allen has filed several other repetitive challenges, he is warned that any further motions filed in this closed case may result in sanctions for his abuse of judicial resources.

Therefore, the Court **ORDERS** as follows:

1. The motion to reopen filed by William Andrew Allen (Dkt. # 118) is **DENIED**.
2. Allen is **WARNED** that he may face sanctions, including monetary penalties, if he continues to file meritless submissions in this closed case.
3. No certificate of appealability will issue from this decision.

The Clerk will provide a copy of this order to the parties.

SIGNED at Houston, Texas, on Oct 20, 2021.



DAVID HITNER
UNITED STATES DISTRICT JUDGE