

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

SHAPAT NABAYA,

Plaintiff,

v.

Civil Action No. 3:19CV171

WILLIAM J. DINKIN, et al.,

Defendants.

MEMORANDUM OPINION

On March 13, 2019, the Court received a complaint from Shapat Nabaya. As explained below, the submission of this complaint fails to comply with the terms of a prefiling injunction imposed against Nabaya. Specifically, that injunction provides, in pertinent part:

Given their long history of frivolous and abusive litigation, Nabaya, formally known as Norman Abbott, and his wife, Dinah Abbott, are subject to an injunction. *Abbott v. Suntrust Mortg., Inc.*, No. 3:08CV665, 2009 WL 971267, at *6 (E.D. Va. Apr. 8, 2009). That injunction provides, as pertinent here, that Nabaya and his wife are prohibited

from filing any action or pleading of any kind in the United States District Court for the Eastern District of Virginia until they show proof that they have paid to SunTrust the \$1,000.00 monetary sanction imposed above. Third, even after that monetary sanction is satisfied, if the Abbotts wish to initiate or pursue any further litigation on any subject matter, they must first submit to the Clerk of the Court an "Application for Leave to File Suit in the United States District Court for the Eastern District of Virginia," along with a copy of the order imposing the pre-filing injunction and a copy of any proposed complaint or pleading; and, accompanying the "Application for Leave to File Suit in the United States District Court for the Eastern District of Virginia," the Abbotts must attach a separate and notarized declaration or affidavit certifying that the matters raised in the new filing have not before been raised or disposed of on the merits in either state or federal court. The Court will then review the Abbotts proposed filing and decide whether that filing will be permitted.

Id. (footnote omitted).

Nabaya has made no effort to comply with the April 8, 2009 prefiling injunction: he has not demonstrated that he has paid the \$1000.00 sanction and he has not attached an Application for Leave to File Suit in the United States District Court for the Eastern District of Virginia. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE. Nabaya's outstanding motions (ECF Nos. 4-7) will be DENIED.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 5/13/19
Richmond, Virginia



M. Hannah Lauck
United States District Judge