

**DISMISS; Opinion Filed August 19, 2013.**



**In The  
Court of Appeals  
Fifth District of Texas at Dallas**

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**No. 05-13-00819-CV**

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**LOWELL MERRITT, Appellant  
V.  
ROBERT DAVIS, Appellee**

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**On Appeal from the 380th Judicial District Court  
Collin County, Texas  
Trial Court Cause No. 380-01630-2013**

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**MEMORANDUM OPINION**

Before Justices Lang, Myers, and Evans  
Opinion by Justice Evans

This is an attempted appeal from the trial court's order dismissing Lowell Merritt's "bill of review." The trial court's order reflects Merritt, who has been declared a vexatious litigant and is subject to a pre-filing order under section 11.101 of the Texas Civil Practice and Remedies Code,<sup>1</sup> failed to obtain an order from the local administrative judge permitting him to proceed with his litigation. *See* TEX. CIV. PRAC. & REM. CODE ANN. §§ 11.101, 11.103 (West Supp. 2012). By letter dated July 18, 2013, the Collin County District Clerk informed us that the local administrative judge had also denied the filing of Merritt's appeal. *See id.* § 11.103. Because a

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<sup>1</sup> *See* [http://www.txcourts.gov/oca/Vexatious\\_Litigants.pdf](http://www.txcourts.gov/oca/Vexatious_Litigants.pdf) (listing vexatious litigants subject to pre-filing orders under section 11.101 of the Texas Civil Practice and Remedies Code). We take judicial notice of this list. *See Douglas v. Am. Title Co.*, 196 S.W.3d 876, 878 n.2 (Tex. App.—Houston [1<sup>st</sup> Dist.] 2006, no pet.) (taking judicial notice of Harris County record of vexatious litigants).

vexatious litigant may not file an appeal without an order from the local administrative judge permitting the filing, we directed Merritt to file a letter brief demonstrating grounds for continuing the appeal. *See id.* Merritt responded, but his response fails to show the appeal may proceed. Accordingly, we dismiss the appeal. *See id.*

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/David Evans/  
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DAVID EVANS  
JUSTICE



**Court of Appeals  
Fifth District of Texas at Dallas**

**JUDGMENT**

LOWELL MERRITT, Appellant

No. 05-13-00819-CV      V.

ROBERT DAVIS, Appellee

On Appeal from the 380th Judicial District  
Court, Collin County, Texas

Trial Court Cause No. 380-01630-2013.

Opinion delivered by Justice Evans.

Justices Lang and Myers participating.

In accordance with this Court's opinion of this date, we **DISMISS** the appeal.

We **ORDER** that appellee Robert Davis recover his costs, if any, of this appeal from appellant Lowell Merritt.

Judgment entered this 19th day of August, 2013.

/David Evans/

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DAVID EVANS  
JUSTICE