

Dismissed and Opinion Filed December 7, 2017



In The
Court of Appeals
Fifth District of Texas at Dallas

No. 05-17-01234-CV

IN RE ARTURO SOLIS, Relator

Original Proceeding from the 52nd District Court
Coryell County, Texas¹
Trial Court Cause No. C10-11-40751

MEMORANDUM OPINION

Before Justices Lang, Brown, and Stoddart
Opinion by Justice Stoddart

Before the Court is relator's "Motion for Immediate T.R.O. and Injunction Commanding Allred Unit Warden to Furnish Adequate Legal Use Writing Materials and Postage and to Refrain from Confiscating Legal Materials and for Extension of Time," which is dated October 5, 2017 ("the Motion"). Relator was declared a vexatious litigant on June 27, 2013 and is subject to a pre-filing order prohibiting relator from filing "any new litigation in a court of this State without first obtaining permission from a local administrative judge pursuant to Tex. Civ. Prac. & Rem. Code § 11.102." *See* TEX. CIV. PRAC. & REM. CODE ANN. § 11.102(a)(1), 11.103(a) (West Supp. 2016).

¹ Pursuant to Tex. Gov't Code § 73.001, the Supreme Court of Texas transferred all currently pending and future motions, writs of mandamus, and new proceedings arising from trial court cause number C10-11-40751 from the Court of Appeals for the Tenth District, Waco, Texas, to this Court. *See* TEX. SUP. CT. ORDER, Misc. Docket No. 17-9134 (Oct. 24, 2017).

Relator filed the Motion under cause number 05-17-01143-CV, which was the cause number assigned to relator's petition for writ of mandamus seeking review of an August 9, 2017 order denying relator's motion for permission to file a petition for equitable bill of review. *Reeves v. State*, No. 05-12-01142-CV, 2013 WL 1249713, *1 (Tex. App.—Dallas Feb. 13, 2013, no pet.) (a vexatious litigant who is denied permission to file a litigation may apply for a writ of mandamus within thirty days of the decision); TEX. CIV. PRAC. & REM. CODE ANN. § 11.102(f) (West Supp. 2016). After reviewing the Motion, the Court determined that the relief sought in the Motion was different from the relief sought in cause number 05-17-01143-CV. Specifically, the Motion seeks an order requiring the warden at the prison unit where relator is housed to take certain actions, whereas the petition in 05-17-01143-CV sought review of the August 9, 2017 order denying relator permission to file a petition for equitable bill of review. The Court accordingly docketed the Motion under a new cause number.

By letter dated October 26, 2017, the Court notified relator that the Court reviewed the motion, determined that it constitutes a new litigation, and docketed the motion as cause number 05-17-01234-CV. The Court instructed relator to file, by November 6, 2017, an order signed by the local administrative judge giving relator permission to file this original proceeding. The Court informed relator that failure to provide the requested documentation by November 6, 2017 would result in dismissal of the proceeding without further notice.

To date, relator has not provided this Court with a written order from the local administrative judge giving relator permission to file the Motion. Accordingly, we dismiss this proceeding. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 11.102(a) (West Supp. 2016) (a person

who has been declared a vexatious litigant must seek permission to file a new litigation).

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/Craig Stoddart/

CRAIG STODDART
JUSTICE