

Opinion issued June 5, 2018



In The  
**Court of Appeals**  
For The  
**First District of Texas**

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NO. 01-17-00813-CV

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**DR. MICHAEL (MIKHAIL) TYURIN, Appellant**

**V.**

**VALUEBANK, TX, Appellee**

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**On Appeal from the County Civil Court at Law No. 3  
Harris County, Texas  
Trial Court Case No. 1092609**

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**MEMORANDUM OPINION**

Appellant, Michael Tyurin, acting pro se, filed a notice of appeal from multiple orders in the underlying case. Tyurin has been declared a vexatious litigant and is the subject of a prefiling order. Accordingly, Tyurin may not proceed with

this appeal without a permission order from the local administrative judge. Because Tyurin has not obtained such an order, we dismiss the appeal.

The Office of Court Administration website lists all vexatious litigants subject to prefiling orders. *See* Office of Court Administration, *List of Vexatious Litigants Subject to a Prefiling Order*, <http://www.txcourts.gov/judicial-data/vexatious-litigants/> (list last updated May 16, 2018); *see also* TEX. CIV. PRAC. & REM. CODE § 11.104(b) (requiring office of court administration to maintain list and post list of vexatious litigants on agency's website). Tyurin is one such litigant. *See Tyurin v. Weitzel*, Cause No. 2017-30630 in the 164th District Court of Harris County, Texas (September 19, 2017); *see also* [http://www.txcourts.gov/media/1438922/dr-michael-mikhail-tyurin-09\\_19\\_17.pdf](http://www.txcourts.gov/media/1438922/dr-michael-mikhail-tyurin-09_19_17.pdf) (<http://www.txcourts.gov/media/1438912/thomas-florence.pdf> fast viewed on May 31, 2018); *see also Douglas v. Am. Title Co.*, 196 S.W.3d 876, 878 n.2 (Tex. App.—Houston [1st Dist.] 2006, no pet.) (taking judicial notice of Harris County record of vexatious litigants).

The Clerk of this Court may not file an appeal presented by a vexatious litigant subject to a prefiling order unless (1) the litigant first obtains an order from the local administrative judge permitting the filing or (2) the appeal is from a pre-filing order designating the person a vexatious litigant. *See* TEX. CIV. PRAC. & REM. CODE § 11.103(a). Tyurin is not appealing from a prefiling order

designating him a vexatious litigant. *See id.* § 11.103(d). Thus, Tyurin may not proceed unless the local administrative judge permitted this filing.

This Court issued a notice to Tyurin advising him that we would dismiss this appeal unless he responded within 10 days with proof that, before filing this appeal, he had obtained an order from the local administrative judge permitting this appeal. Tyurin did not adequately respond to the notice and the record is devoid of any order permitting the filing of this appeal.

Because Tyurin fails to make the requisite showing that the local administrative judge permitted this appeal, we dismiss the appeal. *See Kastner v. Fulco*, No. 01–13–00100–CV, 2013 WL 6157392, at \* 1–2 (Tex. App.—Houston [1st Dist.] Nov. 21, 2013, no pet.) (dismissing appeal after providing notice of intent to dismiss because vexatious litigant appellant failed to provide copy of order permitting filing of appeal); *McCray v. Prudential Ins.*, No. 14–12–00860–CV, 2012 WL 5586804, at \*1 (Tex. App.—Houston [14th Dist.] Nov. 15, 2012, no pet.) (same). Any pending motions are dismissed as moot.

**PER CURIAM**

Panel consists of Chief Justice Radack and Justices Massengale and Brown.