

Opinion issued January 25, 2022



In The
Court of Appeals
For The
First District of Texas

NO. 01-21-00611-CV

IN RE R. WAYNE JOHNSON, Relator

Original Proceeding on Petition for Writ of Mandamus

MEMORANDUM OPINION

Relator, R. Wayne Johnson, incarcerated and acting pro se, has filed a petition for writ of mandamus, appearing to assert that the trial court acted without jurisdiction and issued a “void” order of dismissal.¹

¹ The underlying case is *R. Wayne Johnson v. Dale Wainwright, Patrick O’Daniel, Greg Abbott, Brian Collier, Matt Greer, Nancy Juren, Ken Paxton, and Texas Board of Pardons and Paroles*, Cause No. 113787-CV, pending in the 239th District Court of Brazoria County, Texas, the Honorable Patrick Sebesta presiding.

Relator has been declared a vexatious litigant and is the subject of three pre-filing orders, prohibiting him from filing, pro se, new litigation without seeking the permission of an appropriate local administrative judge. See TEX. CIV. PRAC. & REM. CODE ANN. §§ 11.101, 11.102. The most recent pre-filing order was signed by a Travis County district court in *Johnson v. Bell*, No. D-1-GN10-001424 (345th Dist. Ct., Travis County, Tex., Aug. 26, 2010). See Office of Court Administration, *List of Vexatious Litigants Subject to a Pre-Filing Order*, <https://www.txcourts.gov/judicial-data/vexatious-litigants/> (last visited Jan. 18, 2022); see also TEX. CIV. PRAC. & REM. CODE ANN. § 11.104(b) (requiring Office of Court Administration to maintain and post list of vexatious litigants on agency’s website); *Douglas v. Porter*, No. 14-10-00055-CV, 2011 WL 1601292, at *1 n.2 (Tex. App.—Houston [14th Dist.] Apr. 26, 2011, pet. denied) (mem. op.) (“A court may . . . take judicial notice of a prior finding that [a party] is a vexatious litigant.”).

The Clerk of this Court may not file an original proceeding or other claim presented by a vexatious litigant subject to a pre-filing order unless the litigant first obtains an order from the appropriate local administrative judge permitting the filing. TEX. CIV. PRAC. & REM. CODE ANN. § 11.103(a). On December 23, 2021, the Clerk of this Court notified relator that this original proceeding was subject to dismissal unless he responded within ten days with proof that, before filing his

petition for writ of mandamus, he obtained an order from the appropriate local administrative judge permitting his petition. In response to the notice, relator did not produce an order permitting the filing of his petition for writ of mandamus or otherwise adequately respond.

Accordingly, we dismiss the mandamus petition for lack of jurisdiction. *See id.* § 11.1035(b); *In re Johnson*, No. 14-21-00314-CV, 2021 WL 2837189, at *1 (Tex. App.—Houston [14th Dist.] July 8, 2021, orig. proceeding) (mem. op.) (dismissing vexatious litigant’s petition for writ of mandamus in absence of order from local administrative judge permitting filing of original proceeding); *In re Johnson*, No. 08-15-00162-CV, 2015 WL 3505177, at *1 (Tex. App.—El Paso June 3, 2015, orig. proceeding) (mem. op.) (same). All pending motions are dismissed as moot.

PER CURIAM

Panel consists of Justices Hightower, Countiss, and Guerra.