



**IN THE
TENTH COURT OF APPEALS**

No. 10-20-00026-CV

EX PARTE LOWELL QUINCY GREEN

Original Proceeding

OPINION AND PREFILING ORDER

Dear Mr. Green:

By many different documents you have sent to this Court, it appears you have attempted to sue someone for damages.¹ You have sent these documents directly to this Court making a variety of claims against a variety of persons. But this Court, the Tenth Court of Appeals, is an appellate court. We have repeatedly told you, and held in countless opinions, that we only have jurisdiction as an appellate court to review a final judgment of a trial court.

¹ In this proceeding, we are unable to determine who you have attempted to sue for \$15,000,000. You mention four names: Governor Greg Abbott, Attorney General Ken Paxton, Attorney Courtney Brooke Corbellas, and District Judge Matt Johnson. We are unable to determine which, if any, of these people should be identified as a defendant, appellee, or real party in interest. Accordingly, we have styled this as an original proceeding to facilitate the processing of this proceeding.

When you file a claim directly with this Court seeking damages from someone, we have no choice but to dismiss your claim because we have no jurisdiction to decide the issue. You have done this so often, and we dismissed so many of your proceedings, that you cannot believe that this type of complaint is going to be considered by this Court. There is simply no good faith basis for you to believe that we can or will render a judgment on the merits of your claim. In the past, we have even asked for clarification of your pleading or an explanation of why we would have jurisdiction to consider it. We have never received a response that is helpful for us to understand the basis of your claims or your repeated filing of such claims directly in this Court.

This Court has been extraordinarily patient with you. But this is the end. Your document, which appears to have been signed on January 5, 2020 and which we received on January 14, 2020, is the last such "complaint" that this Court will file. As with so many other complaints that you have filed here, we dismiss this one also because there can be no final judgment because you never filed this complaint in the trial court. Accordingly, this proceeding is dismissed for want of jurisdiction.

Pursuant to our inherent authority, the Court orders the Clerk of this Court to not file any new claims, appeals, or other proceedings received from you until it has been approved for filing by the Chief Justice of this Court or the designee of the Chief Justice of this Court. The Clerk of this Court is further ordered to create a miscellaneous documents file in which anything we receive from you will be placed after it is received

and reviewed, unless the Chief Justice or the designee of the Chief Justice orders it filed as a new proceeding.²

Your repeated action of filing numerous wholly frivolous claims that have no basis in law or fact and asking this Court to take any action thereon leaves us no available alternative.³ We find your repeated action in filing these frivolous proceedings has no legitimate basis and is for the sole purpose of wasting this Court's time and other resources and to harass both this Court and the litigants that you purport to make claims against.

The manner and method of your conduct in filing these meritless proceedings here may not fit within the statutory definition of a vexatious litigant, but by every non-statutory definition, we find that is precisely what you are.

In summary, the Clerk of this Court will no longer file your documents, or create a new proceeding with you as the appellant/relator/petitioner/applicant, unless and until the Chief Justice of this Court or the designee of the Chief Justice of this Court has reviewed it and determined that it should be filed.

We take no pleasure in taking this action. But at some point, we must take some

² This process will be utilized on your document dated January 14, 2020 and received on January 21, 2020 in which you appear to complain about and seek discovery from a number of persons and entities including UTMB-CMC-TDJC, Texas Tech, Ken Paxton, Courtney Brooke Corbellas, Greg Abbott, Pamela Theikle, Bryan Collier, Lorie Davis, Polunsky Unit, LVN A. Lindley, LVN Kim Rend Fleisch, Dr. Carter, Dr. Baker, Dr. Marks, Matt Johnson, and Jon Gimble.

³ Attached to this Opinion and Prefiling Order is a copy of a prior order of the Court issued in another proceeding on October 1, 2019 which lists the many proceedings that you have previously filed.

action to protect our limited resources from waste and abuse so that persons with non-frivolous claims may obtain the review to which they are entitled.

You have the right to explain in a motion for rehearing why you feel we should not take the above described actions at this time in response to what you have filed in this proceeding and in previous proceedings filed in this Court. Your motion for rehearing or a motion for extension of time to file a motion for rehearing must be filed by March 19, 2020.

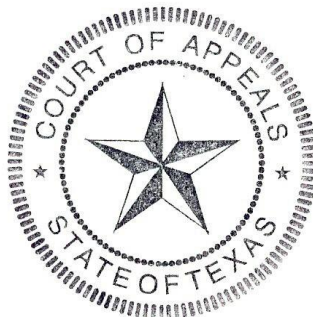
PER CURIAM

Before Chief Justice Gray,
Justice Davis, and
Justice Neill

Pet. dismissed

Opinion delivered and filed March 4, 2020

[OT06]



APPENDIX



TENTH COURT OF APPEALS

Chief Justice
Tom Gray

Justices
Rex D. Davis
John E. Neill

McLennan County Courthouse
501 Washington Avenue, Rm. 415
Waco, Texas 76701-1373
Phone: (254) 757-5200 Fax: (254) 757-2822

Clerk
Nita Whitener

October 1, 2019

Lowell Quincy Green
TDCJ #00518622
Polunsky Unit
3872 FM 350 S
Livingston, TX 77351

RE: Court of Appeals Number: 10-16-00438-CR, 10-16-00439-CR, 10-16-00440-CR
Trial Court Case Number: 2012-709-C2, 2012-790-C2, 2012-791-C2

STYLE: Ex parte Lowell Quincy Green

On September 6, 2019, we received a document filed by Lowell Quincy Green in appellate cause numbers 10-16-00439-CR and 10-16-00440-CR. We received an additional filing from Green in appellate cause number 10-16-00438-CR, on September 16, 2019. It is not clear from either of these documents as to the nature of Green's complaints. Nevertheless, below is what we believe is a complete list of the proceedings that Green has initiated in this Court:

Cause Number	Style of the Case	Tenth Court of Appeals Judgment issued	Mandate Issued
10-16-00409-CV	Green v. Honorable Matt Johnson	December 21, 2016	May 8, 2017
10-16-00421-CV	Green v. District Attorney Abel Reyna & Sterling Harmon	January 11, 2017	May 8, 2017
10-16-00422-CV	Green v. State of Texas, Lorie Davis, David Gutierrez, and Warden Kato	January 11, 2017	May 8, 2017
10-16-00438-CR 10-16-00439-CR 10-16-00440-CR	Ex parte Green	January 11, 2017	April 11, 2017

10-17-00004-CV	Green v. Honorable Matt Johnson, City of Waco, Detective Manuel Chavez, Officer Jason Davis, Officer Erin Newton,	March 15, 2017	May 16, 2017
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	Office Craig Stone, District Attorney Abel Reyna, Brandon Luce, and Lawrence E. Johnson		
10-17-00010-CV	Green v. Lorie Davis & David Gutierrez	March 8, 2017	May 9, 2017
10-17-00024-CV	Green v. Lawrence E. Johnson & Stan Schwieger	February 15, 2017	May 18, 2017
10-17-00066-CV	In re Green	March 22, 2017	N/A
10-17-00198-CV	Green v. Lorie Davis & David Gutierrez	September 6, 2017	December 27, 2017
10-17-00304-CR	Green v. The State of Texas	October 25, 2017	December 22, 2017
10-17-00327-CR & 10-17-00328-CR	Ex parte Green	October 25, 2017	December 22, 2017
10-17-00362-CV	Green v. Lorie Davis & Davis Gutierrez	December 13, 2017	April 16, 2018
10-17-00367-CV	In re Green	November 22, 2017	N/A
10-17-00423-CR	In re Green	January 3, 2018	N/A
10-18-00045-CV	Green v. The Honorable Matt Johnson	Case transferred to 12th Court of Appeals	
10-18-00248-CV	In re Green	Case transferred to 12th Court of Appeals	
10-19-00017-CR	In re Green	January 30, 2019	N/A
10-19-00046-CV	Green v. The Department of Corrections	March 20, 2019	May 21, 2019
10-19-00047-CV	Green v. Stan Schwieger & Lawrence E. Johnson	April 3, 2019	June 4, 2019
10-19-00055-CV	In re Green	February 27, 2019	N/A
10-19-00056-CV	Green v. The State of Texas, et al.	April 3, 2019	June 4, 2019
10-19-00100-CV	Green v. Brandon Luce, Abel Reyna, Landon Ramsey & Lawrence E. Johnson	April 3, 2019	June 4, 2019
10-19-00101-CV	Green v. Courtney Brooke Corbello, Greg Abbott, & W. Ken Paxton	April 3, 2019	June 4, 2019
10-19-00106-CV	Green v. Lawrence Johnson, the City of Waco, Jon Gimble, McCreary, Veselka, Braggs & Allen, P.C., Robert L. Meyer & Linda Barnes	April 3, 2019	June 4, 2019

As shown above, appellate cause numbers 10-16-000438-CR, 10-16-00439-CR, and 10-16-00440-CR were dismissed for want of jurisdiction on January 11, 2017, and the mandate issued on April 11, 2017. Despite this, Green has made it a habit to continually raise the same incoherent and incomprehensible issues in appellate cause numbers that have been resolved and closed. We have informed Green on numerous occasions that we lack jurisdiction over suits originally filed in this Court. See, e.g., *Green v. State*, No. 10-19-00056-CV, 2019 Tex. App. LEXIS 2657, at **1-2 (Tex. App.—Waco Apr. 3, 2019, no pet.) (mem. op.). However, Green has responded by repeatedly filing additional original suits in this Court raising the same incoherent and incomprehensible issues, but merely changing the parties in the style of the case. These actions do not change the fact that we lack jurisdiction over Green’s original petitions filed in this Court. See *Gregory v. Foster*, 35 S.W.3d 255, 257 (Tex. App.—Texarkana 2000, no pet.) (citing *N.E. Indep. Sch. Dist. v. Aldridge*, 400 S.W.2d 893, 895 (Tex. 1966) (noting that only final decisions of a trial court are appealable); see also *Lehmann v. Har-Con Corp.*, 39 S.W.3d 191, 195 (Tex. 2001) (holding that an appeal may be taken only from a final judgment and certain interlocutory orders identified by statute). Furthermore, these actions have continued for the past three years and have wasted countless hours of scarce Court time and other resources.

Therefore, we find Green’s actions to have caused a complete waste of judicial resources as to constitute an abuse of the judicial process for which Green may be sanctioned. See, e.g., *Green*, 2019 Tex. App. LEXIS 2657, at **3-4. In accordance with our April 3, 2019 opinion, we hereby order the Clerk to provide notice of this order to the appropriate offices at the Texas Department of Criminal Justice, including the Correctional Institutions Division and the Parole Division, for consideration of the forfeiture of Green’s good-time credits pursuant to section 498.0045(b) of the Texas Government Code. See *id.* at **4-5 (citing TEX. GOV’T CODE ANN. § 498.0045(b) (West 2012); *Johnson v. Peebles*, 399 S.W.3d 348, 352 (Tex. App.—Waco 2013, no pet.)).

In addition to the foregoing, we inform Green that, absent legitimate claims, we will take no further action on any future filings. We will no longer respond to any of Green’s filings, absent any legitimate claims he may file. It is so ordered.

NITA WHITENER, CLERK

By: *Jessica Breda*
Jessica Breda, Deputy Clerk

CC: Hon. Matt Johnson (DELIVERED VIA E-MAIL)
Barry N. Johnson (DELIVERED VIA E-MAIL)
Jon Gimble (DELIVERED VIA E-MAIL)
Bryan Collier
Lorie Davis
Pamela Thiekle