

**TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN**

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**NO. 03-13-00531-CV**

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**In re R. Wayne Johnson**

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**ORIGINAL PROCEEDING FROM TRAVIS COUNTY**

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**MEMORANDUM OPINION**

Relator R. Wayne Johnson filed a petition for writ of mandamus. However, Johnson is a vexatious litigant who is subject to prefiling orders under chapter 11 of the civil practice and remedies code for any litigation, original proceeding, appeal, or other claim he presents. *See* Tex. Civ. Prac. & Rem. Code § 11.101; *see also In re Johnson*, No. 09-13-00209-CV, 2013 Tex. App. LEXIS 7217, at \*1 (Tex. App.—Beaumont June 13, 2013, orig. proceeding) (mem. op.); <http://www.courts.state.tx.us/oca/VexatiousLitigants.asp>. Because a court clerk may not file an original proceeding, such as a mandamus petition, from a vexatious litigant who is subject to a prefiling order unless the litigant complies with chapter 11 by obtaining an order from the local administrative judge permitting the filing, we notified Johnson on August 12, 2013, that his petition was subject to the prefiling requirement and requested the required order. *See* Tex. Civ. Prac. & Rem. Code § 11.103.

Johnson tendered a response contending that his compliance with chapter 11 was unnecessary and attaching a copy of a May 3, 2001 order of nonsuit in a case styled *R. Wayne Johnson Legal Eagle v. John Cornyn and Andy Taylor*, Cause No. B-01-1159-0-CV\_b, in the

156th District Court of Bee County, which he contends “trumps” the vexatious litigant order signed on June 14, 2001, in that case. However, even if we were persuaded that the vexatious litigant designation resulting from the order in the Bee County case was not effective, Johnson has not addressed the more recent orders from Harris County in 2009 and Travis County in 2010 declaring him a vexatious litigant.

Johnson made no showing that he complied with chapter 11 by obtaining an order from the local administrative judge permitting the filing of this mandamus petition. *See* Tex. Civ. Prac. & Rem. Code § 11.102(a). Accordingly, Johnson’s petition for writ of mandamus is dismissed. *See id.* § 11.103(b).

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Jeff Rose, Justice

Before Justices Puryear, Rose and Goodwin

Filed: August 30, 2013