

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

---

---

**NO. 03-15-00472-CV**

---

---

**In re Daniel Montes**

---

---

**ORIGINAL PROCEEDING FROM HAYS COUNTY**

---

---

**MEMORANDUM OPINION**

Relator Daniel Montes filed petitions seeking a writ of mandamus along with numerous other filings.<sup>1</sup> However, the record reflects that Montes has been adjudged a vexatious litigant, thus requiring him to comply with 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 Montes*, No. 05-08-00422-CV, 2008 Tex. App. LEXIS 2593, at \*1 (Tex. App.—Dallas Apr. 9, 2008, orig. proceeding) (mem. op.) (addressing Dallas County order declaring Montes a vexatious litigant). Because a vexatious litigant who is subject to a prefiling order must comply with chapter 11 by obtaining an order from the local administrative judge permitting the litigant’s requested filing, we notified Montes on August 14,

---

<sup>1</sup> Montes filed: (1) a petition for writ of mandamus; (2) a brief in support of his petition for writ of mandamus; (3) a supplemental petition for writ of mandamus; (4) an amended petition for writ of mandamus and supplemental appendix; (5) an emergency motion for stay of proceedings; (6) a second emergency motion for stay; (7) a motion for sanctions against a real party in interest and her counsel; (8) a supplemental brief in support of sanctions against a real party in interest and her counsel; (9) a motion for sanctions against counsel for real parties in interest; (10) a reply in support of his amended petition for writ of mandamus, and (11) a motion to declare the prefiling order void and to strike the notice of the order.

2015 that his petition was subject to the prefiling requirement and requested that he provide the required order by August 21, 2015. *See* Tex. Civ. Prac. & Rem. Code §§ 11.102, .1035.

Instead of providing the required order, Montes filed a motion arguing that the vexatious litigant prefiling order against him is void because it was not incorporated into a final judgment. There is no such requirement in the statute. *See id.* § 11.001-.104. Because Montes has not complied with chapter 11 by obtaining the required order from the local administrative judge permitting his filings, Montes's petitions for writ of mandamus, motions for sanctions, motion to declare the prefiling order void, and motion to strike the notice of the order are dismissed. *See id.* § 11.1035(b). Montes's second emergency motion for stay is dismissed as moot.

---

Jeff Rose, Chief Justice

Before Chief Justice Rose, Justices Pemberton and Field

Filed: August 18, 2015