

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-16-00807-CV

Senrick Wilkerson, Appellant

v.

Texas Department of Public Safety, Appellee

**FROM THE DISTRICT COURT OF TRAVIS COUNTY, 353RD JUDICIAL DISTRICT
NO. D-1-GN-16-000896, HONORABLE STEPHEN YELENOSKY, JUDGE PRESIDING**

MEMORANDUM OPINION

Appellant Senrick Wilkerson, proceeding pro se, filed a notice of appeal on November 28, 2016. Wilkerson, however, is on the State of Texas’s list of vexatious litigants and is subject to a prefiling order filed in Travis County.¹ See Tex. Civ. Prac. & Rem. Code § 11.101(a) (generally authorizing court to enter order prohibiting person from filing “pro se, a new litigation” without permission from local administrative judge when court finds, after notice and hearing, that person is “a vexatious litigant”).

¹ Chapter 11 of the Texas Civil Practice and Remedies Code requires that the Office of Court Administration (OCA) “post on the agency’s Internet website a list of vexatious litigants subject to prefiling orders.” See Tex. Civ. Prac. & Rem. Code § 11.104(b). The OCA list reflects that on November 17, 2016, the 98th District Court of Travis County signed an order declaring Wilkerson a vexatious litigant and prohibiting Wilkerson from “filing new litigation in any court of this State without permission from the local administrative judge.” See <http://www.txcourts.gov/judicial-data/vexatious-litigants> (last visited April 11, 2017).

Chapter 11 of the Texas Civil Practice and Remedies Code, governing vexatious litigants, provides that a clerk of a court may not file a “litigation, original proceeding, appeal, or other claim presented, pro se, by a vexatious litigant subject to a prefiling order under Section 11.101 unless the litigant obtains an order from the appropriate local administrative judge described by Section 11.102(a) permitting the filing.” *Id.* § 11.103 (duties of clerk); *see Douglas v. Government Emp. Ins. Co.*, No. 01-12-00129-CV, 2013 WL 1490497, at *1-3 (Tex. App.—Houston [1st Dist.] Apr. 11, 2013, no pet.) (mem. op.) (describing chapter 11 prefiling requirements for vexatious litigants). Consequently, by order dated March 10, 2017, we notified Wilkerson that he was required to obtain the permission of the local administrative judge to file this appeal, provided him with the address of the local administrative judge, and ordered him to demonstrate to this Court, within thirty days of the date of the order, that he has obtained permission from the local administrative judge to file this appeal. *See Douglas*, 2013 WL 1490497, at *2 (dismissing appeal because vexatious litigant failed comply with appellate court’s request that he file proof that he had obtained permission from local administrative judge); *see also* Tex. Civ. Prac. & Rem Code § 11.1035 (on receiving notice from clerk that litigation was mistakenly filed by vexatious litigant, court shall immediately stay litigation and dismiss litigation unless plaintiff obtains permission under section 11.102(a)). We notified Wilkerson that, if he failed to comply with the order, we would dismiss his appeal.

To date, Wilkerson has failed to demonstrate that he has obtained the local administrative judge’s permission to file this appeal. Accordingly, we dismiss this appeal.

Scott K. Field, Justice

Before Chief Justice Rose, Justices Field and Bourland

Dismissed

Filed: April 27, 2017