

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

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**NO. 03-17-00784-CV**

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**Thomas Florence, Appellant**

**v.**

**Ken Paxton, Attorney General of the State of Texas, Appellee**

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**FROM THE 419TH DISTRICT COURT OF TRAVIS COUNTY  
NO. D-1-GN-17-000897, HONORABLE LORA J. LIVINGSTON, JUDGE PRESIDING**

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**MEMORANDUM OPINION**

Appellant Thomas Florence, proceeding pro se, filed a notice of appeal in the trial court on October 17, 2017. Florence, however, is on the State of Texas’s list of vexatious litigants and is subject to a prefiling order filed in Travis County.<sup>1</sup> See Tex. Civ. Prac. & Rem. Code § 11.101(a) (generally authorizing court to enter order prohibiting person from filing new litigation pro se without permission from local administrative judge when court finds that person

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<sup>1</sup> 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 § 11.004(b). The OCA list reflects that on September 1, 2017, the 30th District Court of Wichita County signed an order declaring Florence a vexatious litigant and prohibiting Florence from “filing new litigation in any court in this State without prior permission from a local administrative judgment in each new litigation.” See <http://www.txcourts.gov/media/1438919/thomas-florence-18296a.pdf> (last visited Mar. 27, 2018). In addition, later that same month, two other courts also declared Florence a vexatious litigant. See <http://www.txcourts.gov/media/1438912/thomas-florence.pdf> (last visited Mar. 27, 2018) (order from 78th Dist. Ct. of Wichita Cty. signed Sept. 7, 2017); [http://www.txcourts.gov/media/1439052/thomas-florence-09\\_20\\_17.pdf](http://www.txcourts.gov/media/1439052/thomas-florence-09_20_17.pdf) (last visited Mar. 27, 2017) (order from 419th Dist. Ct. of Travis Cty. signed Sept. 20, 2017).

is “vexatious litigant” after notice and hearing). We will dismiss the appeal because Florence has not complied with Texas Civil Practice and Remedies Code Chapter 11, which governs vexatious litigants. *See id.* § 11.001-.104.

Chapter 11 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 \*1-2 (Tex. App.—Houston [1st Dist.] Apr. 11, 2013, no pet.) (per curiam) (mem. op.) (describing Chapter 11 prefiling requirements for vexatious litigants).

Consequently, by order dated February 2, 2018, we stayed the litigation and notified Florence 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 within thirty days of the date of the order to demonstrate to this Court that he had obtained permission from the local administrative judge to file this appeal. *See Douglas*, 2013 WL 1490497, at \*2 (dismissing appeal because vexatious litigant failed to 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 Florence that, if he failed to comply with the order, we would dismiss his appeal for want of jurisdiction.

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

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David Puryear, Justice

Before Justices Puryear, Pemberton, and Bourland

Dismissed for Want of Jurisdiction

Filed: March 30, 2018