

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA COUNTY**

IN THE MATTER OF PROHIBITING
JESSIE LEWIS FROM FILING ANY
LAWSUIT IN MARICOPA COUNTY
WITHOUT OBTAINING PRIOR
PERMISSION FROM THE COURT

ADMINISTRATIVE ORDER
No. 2024- 046

This matter was referred by the Honorable John R. Hannah, Jr. to consider issuing an administrative order declaring Jessie Lewis a vexatious litigant. Upon review of other matters filed in this Court, and considering all the matters presented, the Court makes the following findings and orders.

Pursuant to A.R.S. § 12-3201, the Presiding Judge of the Superior Court may designate a pro se litigant who engages in vexatious conduct as a vexatious litigant. In addition, courts “possess inherent authority to curtail a vexatious litigant’s ability to initiate additional lawsuits.” *Madison v. Groseth*, 230 Ariz. 8, 15, 279 P.3d 633, 639 (App. 2012). The filing excesses of vexatious litigants interfere with the orderly administration of justice by diverting judicial resources from those cases filed by litigants willing to follow court rules and those meritorious cases that deserve prompt judicial attention. See *Acker v. CSO Chevira*, 188 Ariz. 252, 934 P.2d 816 (App. 1997). A.R.S. § 12-3201(E) defines vexatious conduct to include repeated filing of court actions solely or primarily for the purpose of harassment, filing claims unreasonably expanding or delaying court proceedings, bringing court actions without substantial justification, and filing claims or requests for relief that have been the subject of previous rulings by a court in the same litigation.

Judge Hannah’s referral is the result of a motion to designate Mr. Lewis a vexatious litigant filed by Defendants Maricopa County Attorney Rachel Mitchell, Deputy County Attorneys Barbara Marshall, Jason Kalish, and Ryan Green, and joined by Defendants Governor Katie Hobbs and AOC Director David Byers. The motion was filed on September 25, 2023, in the case of *Jessie Lewis v. State of Arizona, et al.*, CV2023-008314. After notice and an opportunity to respond to the motion seeking to declare him a vexatious litigant, Mr. Lewis did not respond. On November 6, 2023, Judge Hannah recommended that Mr. Lewis be designated a vexatious litigant.

Mr. Lewis has a lengthy history of litigation that began after his criminal conviction in 2015. Mr. Lewis was arrested on September 22, 2014, by the Phoenix Police Department (“PPD”) for being a prohibited possessor of a firearm. On March 23, 2015, a jury convicted Mr. Lewis of misconduct involving a weapon. Mr. Lewis filed numerous actions challenging his conviction. Each time he did not prevail, he appealed the court’s ruling. He also began bringing civil actions against the arresting officers, a Phoenix Police Sergeant with unknown involvement in the arrest, PPD, three separate Phoenix Chiefs of Police, the prosecutors, his defense attorneys, and the Judge presiding over his trial. Not

content with suing those directly involved in his criminal prosecution, Mr. Lewis eventually expanded the field of defendants to include the State of Arizona and various government officials with no connection to his conviction.

Mr. Lewis knew that his legal theories had no merit because he repeatedly raised the allegations in his criminal case through direct appeals and Rule 32 proceedings. When he did not prevail, he appealed to the Court of Appeals. When his appeals failed, he initiated civil actions. When the civil actions did not prevail, he appealed yet again. When Mr. Lewis exhausted his ability to file in federal court without paying filing fees, he then shifted to litigating in state courts.

Below is a summary of Mr. Lewis's civil litigation directly related to his 2014 criminal prosecution.

In *Lewis v. City of Phoenix Police Department*, CV2014-014620, and *Lewis v. City of Phoenix Police Department*, CV2014-014620, Mr. Lewis filed companion lawsuits alleging that the PPD, then-Chief of Police Daniel Garcia, and Officer Nicholas Welch, one of the arresting officers in the criminal case, wrote a frivolous/retaliatory citation and failed to transport him to court. The court dismissed the complaints with prejudice in March and April, 2015.

In *Lewis v. State of Arizona*, CV-15-00411-PHX-JAT, U.S. Dist. Ct., Dist. of Ariz, Mr. Lewis filed a lawsuit against the State of Arizona; PPD Officers Mullen, Whitlock, and Welch (the arresting officers); PPD Sgt. Doherty; then-Deputy County Attorneys Jared Johnson and Scott Wolfram; and then-Attorney General Mark Brnovich. Mr. Lewis entitled his complaint as "Treason Against Plaintiff Lewis." The court dismissed the complaint but permitted Mr. Lewis an opportunity to amend. He filed an amended complaint against the arresting officers alleging a fabricated police report and that the officers conspired and constructed a false story. The district court did not address the merits of the complaint. Instead, the court identified 15 previous cases filed by Mr. Lewis. After an opportunity for Mr. Lewis to be heard, the Court determined that three of the cases counted as strikes under 28 U.S.C. § 1915(g) and dismissed the case. *Lewis v. State of Arizona*, CV-15-00411-PHX-JAT, U.S. Dist. Ct., Dist. Of Ariz., Order, Doc. 12 at 3.

In *Lewis v. Hon. John Ditsworth*, 1 CA-SA 15-0097, Mr. Lewis improperly filed a special action in the Court of Appeals seeking an appeal of his conviction despite receiving instructions on how to appeal his conviction. On April 15, 2015, the Court of Appeals declined to accept jurisdiction.

In *Lewis v. Hon. John Ditsworth*, 1 CA-SA 15-0133, Mr. Lewis filed another special action. The Court of Appeal again declined to accept jurisdiction on May 11, 2015.

In *Lewis v. Davison*, CV2015-005520, Mr. Lewis sued his criminal defense attorneys, Harla Davison and Zach Murphy, for ineffective assistance of counsel, legal malpractice, and racketeering. The court dismissed the action with prejudice because amendment was futile. Nevertheless, Mr. Lewis appealed the ruling asserting that

Davison and Murphy aided and abetted each other in a conspiracy to injure and oppress him. The Court of Appeals affirmed the dismissal. *Lewis v. Davison*, 2016 WL 7209680, ¶ 8 (Ariz. App. Dec. 13, 2016), 1 CA-CV 15-0857.

In *Lewis v. Ryan*, CV-17-00220-PHX-JAT, U.S. Dist. Ct., Dist. Of Ariz, Mr. Lewis filed a petition for writ of habeas corpus, raising four grounds. The court found that three grounds were without merit, and the fourth ground was procedurally barred. The court denied issuance of a certificate of appealability. Mr. Lewis appealed to the Ninth Circuit. The Ninth Circuit rejected Plaintiff's request for a certificate of appealability and terminated the appeal. *Lewis v. Ryan*, 2018 WL 3868757 (9th Cir. July 13, 2018), 18-15226.

In *Lewis v. State of Arizona*, CV2019-094271, Mr. Lewis brought an action against the State of Arizona, then-Attorney General Mark Brnovich, Deputy County Attorney Jared Johnson, then-Chief of Police for PPD Jeri Williams, and PPD Officer Dusten Mullen alleging that they conspired to falsify and tamper with evidence in his criminal case and violated his state and federal constitutional rights. The State of Arizona and the Attorney General were not involved in the prosecution of his criminal case. The prosecutor, Jared Johnson, was entitled to prosecutorial immunity. The PPD personnel had previously been dismissed with prejudice. The trial court did not reach these defenses; it dismissed the action because Plaintiff failed to follow the court's orders. Mr. Lewis appealed, and the Court of Appeals dismissed the appeal for lack of jurisdiction. *Lewis v. State of Arizona*, 1 CA-CV 20-0224.

In *Lewis v. State of Arizona*, CV2019-094250, Mr. Lewis initiated a lawsuit against the State of Arizona, then-Attorney General Mark Brnovich, Deputy County Attorney Jared Johnson, then-Chief of Police for PPD Jeri Williams, PPD Officers Dusten Mullen, Taylor Whitlock, and Nicholas Welch. The lawsuit essentially duplicated the previous case that was dismissed, CV2019-094271. This time the lawsuit was dismissed *with prejudice* for failure to file a notice of claim, expiration of the statute of limitations, and failure to state a claim against the State of Arizona and then-Attorney General Mark Brnovich. The trial court found the last possible date of accrual for any causes of action related to his criminal case was May 1, 2015, when Mr. Lewis was sentenced. The trial court also addressed the fact that the State of Arizona and Attorney General Mark Brnovich were not involved in Mr. Lewis's criminal prosecution. Mr. Lewis appealed arguing that the statute of limitations was not triggered until the denial of his habeas petition on appeal. The Court of Appeals found that the latest date Plaintiff was injured was his sentencing on May 1, 2015, and affirmed the dismissal of the action.

In *Lewis v. Superior Court of Ariz.*, CV2020-092566, Mr. Lewis began a new campaign of harassment. He realized he could no longer directly attack his arrest or conviction due to the statute of limitations. He changed strategy and decided to litigate against individuals with no connection to his criminal prosecution based on radical new theories of securities fraud and tax claims. Specifically, Lewis began to allege that prosecutor Jared Johnson fraudulently obtained GSA bonds to fund the prosecution against Mr. Lewis. Mr. Lewis is referring to a process used by contractors bidding on

federal contracts for the United States General Service Administration, the procurement arm of the federal government. Contractors put up bonds in order to bid on a federal contract; bonds are not “sold” by the GSA. No state officials are involved in GSA bonds; it is a strictly federal process controlled by federal law. These bonds have no relation to the criminal justice system. Mr. Lewis began asserting that random public officials were responsible for these fraudulent bonds and were required to provide him with tax form 1099 OID. He alleged that he may send a demand letter to any person he so desires and, if they fail to provide him with the 1099 OID form, he may then file a lawsuit against them. He asserts that the demand letter restarts the statute of limitations, thereby freeing him to sue an unlimited number of individuals *ad infinitum*. He named as defendants the Superior Court of Arizona, previous Clerks of Court Michael L. Jeanes and Chris DeRose, current Clerk of Court Jeff Fine, K. Whitson, J. Cardenas, A. Gonzales, then-Arizona Secretary of State Katie Hobbs, and Arizona Treasurer Kimberly Yee, alleging that they were committing securities fraud and neglecting their fiduciary duties by selling GSA bonds and failing to recall them. Mr. Lewis’s claim was frivolous on its face. However, the court did not need to reach the merits. The case was dismissed for failing to comply with the notice of claim statute. Mr. Lewis appealed, and the Court of Appeals affirmed the dismissal. *Lewis v. Superior Court of Arizona*, 2022 WL 16570916 (Ariz. App. Nov. 1, 2022), 1 CA-CV 21-0730.

In *Lewis v. U.S. Dist. Ct. Ariz.*, CV-22-00699-PHX-DJH, U.S. Dist. Ct. for the Dist. of Ariz., Mr. Lewis initiated an action against the United States District Court for the District of Arizona and the Honorable James A. Teilborg, Clerk of Court Debra D. Lucas, and L. Dixon. He entitled the action as “Petitioner Requesting All Records Related to Constructive Trust Account and the Current Holder and Purchaser of Bonds re: CR2014-146307-001-DT Under Title 5 U.S.C. § 552 Freedom of Information Act.” The title unquestionably ties this 2022 action to his 2014 criminal case. He alleged that “all government officials and or employees conspired to illegally keep Jessie Lewis confined against his will[.]” The court did not reach the merits of the case and dismissed the action because he had been designated a vexatious litigant. He appealed, but the Ninth Circuit required him to pay the filing fee. He did not pay the fee, and the appeal was dismissed for failure to prosecute. *Lewis v. United States District Court for the District of Arizona*, 2022 WL 16945889 (9th Cir. Sept. 7, 2022), 22-15753.

In the action that prompted the motion to designate Mr. Lewis as a vexatious litigant, *Lewis v. State*, CV2023-008314, Mr. Lewis initiated an action against the State of Arizona, Attorney General Kristin K. Mayes, Governor Katie Hobbs, the Honorable John R. Ditsworth, L. Mitchell, Theresa Rodriguez, David K. Byers-Director of the Administrative Office of the Arizona Supreme Court, the State Bar of Arizona, Maricopa County Attorney Rachel H. Mitchell, Deputy County Attorney Barbara Marshall, Bureau Chief Jason Kalish, Division Chief Ryan Green, then-Deputy County Attorney Elizabeth Beringhaus, and then-Deputy County Attorney Jared L. Johnson, alleging that he demanded they provide him federal tax form 1099 OID and that they failed to do so. He tied the issuance of the GSA bonds to the prosecution of his criminal case. However, the only defendants related to his criminal case were the prosecutor, Jared Johnson, and the judge, the Honorable John R. Ditsworth. Both were entitled to absolute immunity, and the

statute of limitations expired eight years ago. Mr. Lewis had no colorable claim against the remainder of the Defendants. The Court dismissed the action for failure to state a claim and failure to comply with the notice of claim statute. Mr. Lewis appealed, and the appeal is pending. *Lewis v. State of Arizona*, 1 CA-CV 23-0713.

In *Lewis v. City of Phoenix Police Dep't*, CV2023-009839, Mr. Lewis filed a lawsuit against PPD and current Phoenix Chief of Police Michael Sullivan alleging that he sent them three letters in 2022 and 2023 regarding his false imprisonment and accepting their offer of oath for public service. He expected them to review his defensive claims regarding the reading of his Miranda rights, officers committing perjury, fraud, peonage, tampering with a public record, obstruction of justice, racketeering activity, and breach of contract – oath of office. These claims relate to Mr. Lewis's 2014 arrest and 2015 conviction. Under Mr. Lewis's theory, however, he may re-start the statute of limitations by sending letters demanding action. Their failure to meet his demands resulted in the lawsuit. The case is currently pending dismissal for lack of service.

Mr. Lewis has shown repeated abuse of the trial and appeals courts, in federal and state court. The federal court deemed him a vexatious litigant in 2015 and, ultimately, Mr. Lewis stopped filing new lawsuits in federal court because he was required to pay the filing fee. Mr. Lewis has asserted his intention to continue suing individuals under his theory that his demand letters create new causes of action.

For the reasons set forth above, the Court finds that Mr. Lewis has engaged in vexatious conduct by the repeated filing of court actions solely or primarily for the purpose of harassment and brought actions without "substantial justification" as defined in A.R.S. § 12-349.

The Court may issue an order limiting such a litigant's ability to file future lawsuits, motions, and requests for relief to the extent necessary to curtail the improper conduct. The Court finds the orders set out below to be the least restrictive orders that will adequately address Mr. Lewis's established pattern of abuse.

IT IS THEREFORE ORDERED as follows:

1. Mr. Lewis may not file any new causes of action as a pro se litigant in any way related to his criminal arrest, prosecution, or conviction, including the issuance of any alleged bonds, after the date of this order without leave of the Civil Presiding Judge or his/her designee.
2. Any motion for leave to file any lawsuit shall be captioned "Application Pursuant to Court Order Seeking Leave to File." Mr. Lewis must either cite this order in his application or attach as an exhibit a copy of this order.
3. Any request for fee waiver or deferral may only be granted by the Civil Presiding Judge or his/her designee.

If approval for filing a new action by Mr. Lewis is granted, the Clerk of Court may accept subsequent filings in that cause number from Mr. Lewis. This Administrative Order does not preclude Mr. Lewis from filing a Notice of Appeal or a Notice of Cross-Appeal in accordance with Arizona Rules of Civil Appellate Procedure Rule 8(a) and (b).

Dated this 24th day of April, 2024.

/s/ Joseph C. Welty
Honorable Joseph C. Welty
Presiding Judge

Original: Clerk of the Superior Court

Copies: Hon. Jeffrey Fine, Clerk of the Superior Court
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Hon. John Hannah
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Lindsey Gilman, Office of the Attorney General
Jessie Lewis, Arizona State Prison - Tucson