

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

IN THE MATTER OF PROHIBITING)
DONALD MUHAMMAD FROM FILING)
ANY LAWSUIT IN MARICOPA COUNTY)
WITHOUT OBTAINING PRIOR)
PERMISSION FROM THE COURT)
_____)

ADMINISTRATIVE ORDER
NO. 2013-052

The Court has received six motions requesting an order that Donald Muhammad be precluded from filing future lawsuits without prior Court approval. Through the motions, counsel reported that Mr. Muhammad has a history of using the Superior Court in Maricopa County for harassment purposes. These motions were referred to the undersigned, the Presiding Judge of the Superior Court in Maricopa County, to consider issuance of an administrative order. Although they are rare, situations involving consideration of limiting a person's ability to file future lawsuits are customarily referred to the Presiding Judge. Upon receipt of the referral regarding Mr. Muhammad, the Court has reviewed case filings in which Mr. Muhammad has been involved.

The Court "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). Filing abuses are normally controlled by rules of professional responsibility applicable to attorneys and by imposition of attorney fees or other monetary sanctions. Unfortunately, these tools are ineffective when dealing with an indigent, pro per plaintiff.

Some courts sua sponte dismiss frivolous lawsuits. During the past decade, this Court has declined to do so. Rather, on rare occasions, the Court has issued orders prohibiting litigants who have proven themselves to be vexatious from pursuing additional litigation without prior leave of the Court's Presiding Judge or his/her designee. In this context, in keeping with *Franklin v. Oregon State Welfare Division*, 662 F. 2d. 1337 (9th Cir. 1981), the Court always notifies the litigant of the proposed action and gives him an opportunity to submit argument in opposition. In this instance, Mr. Muhammad was provided copies of the motion requesting that he be designated as a vexatious litigant and he filed a motion to strike in response, which the Court has considered.

A review of the filings by Mr. Muhammad, as well as deposition testimony provided with the motions, reveals that Mr. Muhammad is a vexatious litigant. In the past two years, Mr. Muhammad has filed more than a dozen civil cases. On April 8, 2011, Mr. Muhammad filed an action against Amanda Renteria, seeking damages related to an automobile accident. On January 28, 2013, the Court entered a directed verdict, finding “no legally sufficient evidentiary basis for a reasonable jury to find for the Plaintiff in the case.” (CV2011-007990)

Following the dismissal of the automobile case, Mr. Muhammad has filed seven cases related to that case:

- On February 1, 2013, Mr. Muhammad filed a one-page complaint against Adam Weiler and Kristine Guydish, entitled “Purjury I Want a Jury Trial.” Mr. Weiler was the attorney who represented Ms. Renteria in the 2011 motor vehicle case. A motion to dismiss is pending. (CV2013-001071)
- On February 1, 2013, Mr. Muhammad filed a one-page complaint against Ms. Renteria, entitled “Car Tort Motor Vehicle Personal Injury and I Want a Jury Trial.” An oral argument on the motion to dismiss is scheduled for April 25, 2013. (CV2013-001072)
- On March 11, 2013, Mr. Muhammad filed a one-page complaint against Mr. Weiler, entitled “Slander/Libel/Defamation Perjury Statement(s) ...” A motion to dismiss is pending. (CV2013-002332)
- On March 11, 2013, Mr. Muhammad filed a one-page complaint against Ms. Renteria, entitled “Slander Libel and Defamation and I Want a Jury Trial.” A motion to dismiss is pending. (CV2013-002333)
- On March 14, 2013, Mr. Muhammad filed a complaint against Mr. Weiler, entitled “Treason Against the United States. Eleventh and Fourth Amendments and I Want a Jury Trial. Fraud!” An oral argument on the motion to dismiss is scheduled for May 20, 2013. (CV2013-002501)
- On March 14, 2013, Mr. Muhammad filed a complaint against Ms. Renteria, entitled “Treason Against the United States. Eleventh and Fourth Amendments and I Want a Jury Trial. Fraud!” A motion to dismiss was granted on April 3, 2013. (CV2013-002502)
- On April 16, 2013, Mr. Muhammad filed a complaint against Geico Indemnity Company and Korynne Kemp, entitled “Fraud! Intentional Tort of Fraudulent Document(s) Transcript from Recorded Interview...” This case is also related to the automobile accident in 2011. This case is pending. (CV2013-006452)

Based on the foregoing, the deposition transcript¹ attached to the motions requesting an order that Mr. Muhammad be precluded from filing future lawsuits, Mr. Muhammad's Motion to Strike, and a review of all the cases filed by Mr. Muhammad, the Court finds Mr. Muhammad to be a vexatious litigant.

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. Muhammad's established pattern of abuse.

Given all of the circumstances,

IT IS ORDERED as follows:

1. Mr. Donald Muhammad may not file any new causes of action after the date of this order without leave of the Civil Presiding Judge or his/her designee.
2. Mr. Donald Muhammad may not file any new pleading, motion, or any other document in any non-criminal case in which judgment concluding the case has been entered without leave of the Civil Presiding Judge or his/her designee.²

Any motion for leave to file shall be captioned "Application Pursuant to Court Order Seeking Leave to File." Mr. Muhammad must either cite this order in his application, or attach as an exhibit a copy of this order.

If approval for filing a new action is granted, the Clerk of Court may accept subsequent filings in that cause number from Mr. Muhammad.

Dated this 22nd day of April, 2013.

/s/ Norman J. Davis

Norman J. Davis
Presiding Judge

¹ At a deposition taken on May 14, 2012 in CV2011-007990, Mr. Muhammad was asked "What do you do for fun?" and Mr. Muhammad responded "Lawsuits."

² Mr. Muhammad is not required to seek leave of Court before filing a "Notice of Appeal".

Original: Clerk of the Superior Court

Copies: Hon. Michael K. Jeanes, Clerk of the Court
Hon. Janet Barton, Associate Presiding Judge
Hon. John Rea, Civil Presiding Judge
Raymond Billotte, Judicial Branch Administrator
Phil Knox, Deputy Court Administrator
Peter Kiefer, Civil Court Administrator
Donald Muhammad