

P-3  
VEXAIO

NO. 2009-17355

Victor Del Rio,  
PLAINTIFF

vs.

City of Houston, Harris County,  
and the State of Texas,  
DEFENDANTS

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

157<sup>th</sup> JUDICIAL DISTRICT

FILED  
Loren Jackson  
District Clerk

Time: 8 AUG 14 2009  
By: [Signature]  
Harris County, Texas

ORDER DECLARING VICTOR DEL RIO A VEXATIOUS LITIGANT

On this date, the Court heard Defendants'<sup>1</sup> motion to have Victor Del Rio declared a Vexatious Litigant pursuant to section 11.051 of the Texas Civil Practice and Remedies Code. After reviewing the record, the evidence presented, parties' arguments, and the appropriate authorities, the Court FINDS:

- 1) Defendants' motion has merit;
- 2) there is no reasonable probability that Mr. Del Rio will prevail in this litigation; and
- 3) in the seven-year period immediately preceding this date, Victor Del Rio has commenced at least five *pro se* litigations that have been finally been determined against him.<sup>2</sup>

repeatedly re-litigates and is attempting

The Court further FINDS that, after litigation has been determined against Mr. Del Rio, he is attempting to re-litigate the validity of a cause of action, claim, controversy, and issues of fact and law against the same defendants.

<sup>1</sup> Spring Independent School District, Janet L. Horton, and Christopher Gilbert,  
<sup>2</sup> See *Victor Del Rio v. Spring ISD*, H-07-3937, USDC Southern District of Texas (voluntarily dismissed 02/01/08)(motion to refile denied 08/18/08); *Victor Del Rio v. Tracey Del Rio, et al.*, 4:08CV02366, USDC Southern District of Texas (dismissed want of jurisdiction 12/12/08); *In re: Victor Del Rio*, 09-20232, US Court of Appeals - 5<sup>th</sup> Circuit (mandamus denied 06/03/09); *Victor Del Rio v. Tracey Del Rio*, 08-CV-2170, USDC Southern District (dismissed want of jurisdiction 02/11/09); *Victor Del Rio v. Tracey Del Rio*, H-09-76, USDC Southern District (mandamus and habeas corpus dismissed want of jurisdiction 02/27/09); *In re Victor Del Rio*, 01-08-993-CV, Houston - 1<sup>st</sup> Court of Appeals (habeas corpus denied 03/26/09); and *Del Rio v. U.S.*, 09-130C, U.S. Court of Federal Claims (dismissed want of jurisdiction 06/25/09).

Mr. Del Rio also has pending cases in various state and federal courts: *Del Rio v. Drexler, et al.*, Travis County District Court (case number unknown); *Del Rio v. Warne*, 08-1652, USDC Western District of Pennsylvania; *Del Rio v. Del Rio, et al.* 1:09-CV-807, USDC District of Columbia; *Del Rio v. Warne*, 1:09-CV-808, USDC District of Columbia, and *Del Rio v. Del Rio, et al.*, U.S. Supreme Court (writ of cert, case number unknown). A review of these cases reveals that Victor Del Rio is repeatedly attempting to relitigate various aspects of the subject matter of the Order entered by the 311<sup>th</sup> District Court Signed November 5, 2008.

Accordingly, the Court Grants Defendants' motion and, pursuant to Chapter 11 of the Texas Civil Practice and Remedies Code **ORDERS** that:


- 1) Victor Del Rio is declared a VEXATIOUS LITIGANT in the State of Texas<sup>3</sup>;
- 2) Victor Del Rio furnish security in this matter in the amount of \$60,000.00, proof of which shall be filed with the Court within fourteen (14) days of the entry of this Order.<sup>4</sup>

The Court notifies Victor Del Rio that this security is to assure payment to Spring ISD of its reasonable expenses incurred in or in connection with this litigation, including costs and attorney's fees.<sup>5</sup> If Victor Del Rio does not furnish the \$60,000 security within fourteen (14) of the date of this Order, the court shall dismiss this litigation as to ~~Spring ISD~~.<sup>6</sup> *move to*

The Court Further **ORDERS** that Victor Del Rio is prohibited from filing, in *propria persona*, any new litigation in a court in this state unless he first obtains permission from the local administrative judge of the Court in which Mr. Del Rio intends to file his litigation.<sup>7</sup>

**VICTOR DEL RIO** is hereby **NOTIFIED** that he is subject to punishment for contempt if he fails to obey this Order. If found guilty of contempt, Victor Del Rio may be punished by a fine of up to \$500 and sentenced to six (6) months in jail.

SIGNED A-g. 17, 2009.

  
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DISTRICT JUDGE

<sup>3</sup> TEX. CIV. PRAC. & REM. CODE §11.054.

<sup>4</sup> TEX. CIV. PRAC. & REM. CODE §11.051

<sup>5</sup> TEX. CIV. PRAC. & REM. CODE § 11.055.

<sup>6</sup> TEX. CIV. PRAC. & REM. CODE § 11.056.

<sup>7</sup> TEX. CIV. PRAC. & REM. CODE §§ 11.101, 11.102

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**Officer's Return**

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I received this order on August 14, 2009 at \_\_\_\_\_ (time). I executed it on August 14, 2009 at \_\_\_\_\_ (time) by personally delivering a true and correct copy of this order to Victor Del Rio.

By \_\_\_\_\_, Deputy



I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date  
Witness my official hand and seal of office  
this \_\_\_\_\_

Certified Document Number: \_\_\_\_\_

LOREN JACKSON, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**