

CAUSE NO. 24-11-18234

Scott Obeginski	§	IN THE DISTRICT COURT OF
vs.	§	MONTGOMERY COUNTY, TEXAS
CHRIS POSTON; SARAH TRAD; CODILIS & MOODY, P.C.; NEWREZ, LLC. DBA AS SHELLPOINT MORTGAGE SERVICING; JASHUA WANT REAL ESTATE, LLC; GIZA TRUST; HERIANA OBEGINSKI	§	284TH JUDICIAL DISTRICT

PREFILING ORDER

On July 24, 2026, the Court conducted a hearing on Joshua Want Real Estate Group, LLC's Motion for Prefiling Order. Joshua Want Real Estate Group, LLC was represented by its counsel, Adam Fracht, Truitt Williams, and Melissa Pietraszek. The Court heard Scott Obeginski's complaints – complaints previously raised by him and rejected by this Court and the Ninth Court of Appeals – about who these attorneys represent and whether they *really* represent Joshua Want Real Estate Group, LLC. The Court rejected them again. The Court then heard argument on the Motion, being particularly interested in the question of whether the Court has jurisdiction given that this case was closed by a Final Judgment last October, that Judgment being currently under appeal.

The Court concluded that it has jurisdiction and on August 5, 2026 set its own motion for determination by submission on August 21, 2026 at 9:00 a.m. Part of the Court's evidentiary record consisted of the pleadings filed by Joshua Want Real Estate Group, LLC showing the repeated litigation of the same issues and the constant *pro se* litigations initiated by Mr. Obeginski.

Mr. Obeginski objected to submission, requested an oral hearing, and the Court set the matter for an oral hearing. Mr. Obeginski moved for a continuance of the date the Court selected, and the Court granted that motion as well. The hearing ultimately occurred on October 1, 2026.

Given that Mr. Obeginski has asked this Court to grant relief, he has acknowledged that the court retains jurisdiction over this pre-filing question. Further, the public policy of the State of Texas is met with this finding of jurisdiction, although this finding of jurisdiction is based in the law, not just the policy. The Court makes that note because the Court's docket has been unilaterally consumed by relitigation of issues and voluminous pleadings from Scott Obeginski, all of which interferes with the orderly distribution of justice:

* **Voluminous Pleadings:** Scott Obeginski has filed hundreds of pleadings consisting of thousands of pages in this case, *including 34 motions filed since the Judgment was signed.* He calls and requests hearings and submission settings almost every Friday. *For instance, he has been on the Court's hearing and submission dockets 4 times this month but there have been only 3 such dockets so far this month (Friday July 3rd was a holiday).* There have been a total of 11,501 pages filed into this case file, made all the more shocking by the fact that this case was filed on November 21, 2024, just 19 months ago.

* **Delay-By-Recusal-And-Mandamus Tactics:** Scott Obeginski filed 4 motions to recuse (all denied) each right before a court proceeding he didn't want to have, 5 Petitions for Writ of Mandamus to the Supreme Court (with a 6th filed immediately after last Friday's docket), and 10 Petitions for Writ of Mandamus to the Ninth Court of Appeals. Each of the Petitions for Writ of Mandamus was accompanied by a litany of "emergency" motions, none of which were granted.

* The first trial setting was September 4, 2025 and was passed because on August 22, 2025 Mr. Obeginski filed a motion to recuse. This Court denied it on August 22nd and sent it to Presiding Judge Robert Trapp, which prompted Mr. Obeginski to follow up with a supplement to the motion filed

August 25th, a declaration regarding “unauthorized hearing cancellations following recusal motion” (seriously), a “verified declaration of bias in support of motion to recuse” on September 15th, and “claimant’s [Mr. Obeginski is a plaintiff but never calls himself that for reasons unknown] verified notice regarding supporting filings in connection with motion to recuse” filed September 16th. The motion was denied by Presiding Judge Trapp on September 17, 2025.

- * The trial was then reset to October 15th so, true to form, on October 6th here comes the second motion to recuse (along with a later-filed 100 page supplement) which was denied by Judge Trapp on October 9th.
- * Seeking a new delay tactic – for a trial on a case he filed! – Mr. Obeginski filed a mandamus proceeding the very next day, October 10, 2025, just 5 days before the October 15, 2026 trial. That Petition was denied on the morning of October 15th so the trial proceeded.

Mr. Obeginski’s practices damage the Court’s management of its heavy docket.

The case went to judgment and up on appeal and the Court thought things would quiet down, but they actually heated up. Indeed, all but one of Mr. Obeginski’s mandamus proceedings was post-judgment, which then begs the question of why mandamus is even appropriate with an appeal pending. The courts of appeals rejected all as this trial Court knows not from the Petitions themselves *because Mr. Obeginski never served a single one on this trial Court*, but, instead, from the Opinions passed down.

With jurisdiction in place and having provided notice and a setting on the motion, the Court is ready to rule.

The law on this subject is statutory:

Sec. 11.101. PREFILING ORDER; CONTEMPT.

- (a) A court may, on its own motion or the motion of any party, enter an order prohibiting a person from filing, *pro se*, a new litigation in a court to which the order applies under this section without permission of the appropriate local administrative judge described by Section 11.102(a) to file the litigation if the court finds, after notice and hearing as provided by Subchapter B, that the person is a vexatious litigant.

TEX. CIV. PRAC. & REM. CODE §11.101(a).

11.054. CRITERIA FOR FINDING PLAINTIFF A VEXATIOUS LITIGANT.

A court may find a plaintiff a vexatious litigant if the defendant shows that there is not a reasonable probability that the plaintiff will prevail in the litigation against the defendant and that:

- (1) the plaintiff, in the seven-year period immediately preceding the date the defendant makes the motion under Section 11.051, has commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant other than in a small claims court that have been:
 - (A) finally determined adversely to the plaintiff...
- (2) after a litigation has been finally determined against the plaintiff, the plaintiff repeatedly relitigates or attempts to relitigate, *pro se*, either:
 - (A) the validity of the determination against the same defendant as to whom the litigation was finally determined; or
 - (B) the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against the same defendant as to whom the litigation was finally determined...

TEX. CIV. PRAC. & REM. CODE §11.054. Both bases are present here and Joshua Want Real Estate Group, LLC has “show[n] that there is not a reasonable probability that [Mr. Obeginski] will prevail in the litigation against [Joshua Want Real Estate Group, LLC]”.

Five Litigations in Seven Years: The table in the Motion lists each such litigation, the timing of each, and the outcome of each:

Cause No.	District Court	Obeginski's Commencement, Prosecution, and/or Maintenance of the Litigation
23-08-12296	284 th	Obeginski commenced the litigation by filing an Original Petition ³ and engaged in other activity, with a Final Judgment rendered against him on August 27, 2024 ⁴
23-09-14380	410 th /9 th	Obeginski commenced the litigation by filing a Motion for Protective Order, ⁵ with the litigation concluding in adverse rulings on October 19, 2023 as to his Motion for Protective Order, ⁶ and on October 25, 2023 as to his Amended Motion for Protective Order ⁷
24-11-18234	284 th	This very litigation, commenced by Obeginski, ⁸ which resulted in a final adverse determination against Obeginski by the Modified Final Judgment on October 17, 2025 ⁹
24-11-18235	284 th	Obeginski commenced the litigation by filing an Original Claim/Petition, ¹⁰ which was ultimately determined adversely by nonsuit of the case ordered on January 28, 2025 ^{11,12}
24-12-20069	457 th /284 th	Obeginski commenced the litigation by filing a "Motion for Ex Parte Judicial Review of Documentation or Instrument Purporting to Create a Lien or Claim on Property" ¹³ ; this

		litigation concerned the validity of a Substitute Trustee's Deed, and was disposed of by a nonsuit of the case ordered on January 28, 2025 ^{14,15}
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That amounts to five litigations Mr. Obeginski brought as a *pro se* litigant since August of 2023, a period of just shy of 3 years.

But there are several Petitions for Writ of Mandamus which fit within this count as well. Appeals do not count as separate litigations, but under the right circumstances, mandamus petitions do:

Catt only challenges the mandamus proceedings relied on by Middleton. Thus, there is evidence of four prior litigations that have been adversely determined against Catt (numbers 1-2 and 5-6 listed above). Furthermore, one of the mandamus proceedings – *In re Catt*, No. 14-21-00438-CV – is clearly a separate “litigation” by Catt on a previously adjudicated matter. *See id.* (Spain, J., concurring) (“Although the original-proceeding record in this mandamus does not contain the final judgment in the underlying civil-forfeiture proceeding, [Catt’s] current petition asserts the same legal challenge that was addressed in his 2017 appeal.”). We conclude that this original proceeding was a “litigation” that Catt commenced, prosecuted, or maintained in the last five years and was finally determined adversely to him; therefore, the trial court did not err when it overruled his objection. *See* TEX. R. APP. P. 52.1; TEX. CIV. PRAC. & REM. CODE ANN. § 11.054(1); *cf. Serafine*, 691 S.W.3d at 922-23 (“Because an appeal and a petition for review continue the action brought in the trial court, they do not count as separate ‘civil actions’ and thus separate ‘litigations’ under Section 11.054.”).

Catt v. Middleton, 698 S.W.3d 66, 74 (Tex. App. – Houston [14th Dist.] 2024, no pet.). Or, as was explained in the Motion:

10. Additionally, there are more litigations that Obeginski commenced, prosecuted, and/or maintained at the Ninth Court of Appeals and the Supreme Court of Texas. To be clear: pending original proceedings are not counted, nor are appeals from trial Cause Nos. 24-11-18234 and 23-08-12296. Tex. Civ. Prac. & Rem. Code § 11.054(1)(A) (requiring that the litigations have been “finally determined”); *Serafine v. Crump*, 691 S.W.3d 917, 921–22 (Tex. 2024) (“Assuming without deciding that the court of appeals was correct to count these particular mandamus petitions as separate ‘litigations,’ we conclude that an appeal and a petition for review from a judgment or order in a civil action are part of the same civil action and count as a single ‘litigation.’”).

11. However, the original proceedings that have been adversely determined against Obeginski do count for the purpose of Tex. Civ. Prac. & Rem. Code § 11.054(1). *Catt v. Middleton*, 698 S.W.3d 66, 72-74 (Tex. App.—Houston [14th Dist.] 2024, no pet.) (holding that mandamus proceedings constitute separate litigations for the purpose of § 11.054, even where a mandamus proceeding presented the exact same legal challenge as in another proceeding); *Retzlaff*, 356 S.W.3d at 700 (holding that “a person who seeks mandamus relief commences a civil action in the appellate court” and thus constitutes a separate litigation); *Serafine v. Crump*, 665 S.W.3d 93, 117 (Tex. App.—Austin 2023), rev'd on other grounds, 691 S.W.3d 917 (Tex. 2024) (counting original proceedings as separate litigations irrespective of subject matter); *Restrepo v. All. Riggers & Constructors, Ltd.*, 538 S.W.3d 724, 751 (Tex. App.—El Paso 2017, no pet.), abrogated by *Serafine*, 691 S.W.3d 917 (counting original proceedings as separate litigations, which the Supreme Court left open).

There are 11 unique Petitions for Writ of Mandamus that Mr. Obeginski filed which he lost and which count as litigations under the statute. They are as follows:

Cause No.	Court	Obeginski's Commencement, Prosecution, and/or Maintenance of the Litigation
09-24-00332-CV	Ninth Court of Appeals	Obeginski commenced the litigation by filing a Petition for Writ of Mandamus, ¹⁶ arguing that the trial court lacked jurisdiction to issue a final judgment and writ of possession; this Petition was denied on October 3, 2024 ¹⁷
09-25-00374-CV	Ninth Court of Appeals	Obeginski commenced the litigation by filing a Petition for Writ of Mandamus, ¹⁸ and later Supplements, ¹⁹ arguing a slew of things, including that the trial court abused its discretion in how it noticed a trial setting, addressed a motion to recuse, proceeded to trial, did not notice the Attorney General of Texas, and signed and entered its orders; this Petition was denied on October 14, 2025 ²⁰
09-25-00413-CV	Ninth Court of Appeals	Obeginski commenced the litigation by filing a Petition for Writ of Mandamus, ²¹ and a later Supplement, ²² arguing that the trial court should have quashed a writ of possession despite his failure to present evidence, present argument, or request a ruling; this Petition was denied on November 20, 2025 ²³
09-25-00476-CV	Ninth Court of Appeals	Obeginski commenced the litigation by filing a Petition for Writ of Mandamus, ²⁴ and a later Corrected Petition, ²⁵ arguing about the conduct of the trial, that a typographical error in a request for a writ of possession voided the writ even though it was issued in the proper name of the requesting party, and that another writ of possession was void because the attorney of record requested the writ after the undersigned had also entered his appearance; this Petition was denied on November 26, 2025 ²⁶

09-25-00480-CV	Ninth Court of Appeals	Obeginski commenced the litigation by filing a Petition for Writ of Mandamus, ²⁷ and a later Supplement, ²⁸ arguing that the trial court lacked subject matter jurisdiction and abused its discretion by not issuing an ex parte temporary restraining order to suspend execution in spite of his failure to adhere to supersedeas procedure; this Petition was denied on December 4, 2025 ²⁹
09-26-00057-CV	Ninth Court of Appeals	Obeginski commenced the litigation by filing a Petition for Writ of Mandamus, ³⁰ arguing that the trial court abused its discretion by sanctioning Obeginski for repeatedly submitting falsified legal authorities and citations, and requiring that he submit copies of cited legal authorities with highlighting of propositions for which they are cited in his future filings; this Petition was denied on March 12, 2026 ³¹
09-26-00071-CV	Ninth Court of Appeals	Obeginski commenced the litigation by filing a Petition for Writ of Mandamus, ³² arguing that other portions of the trial court's sanctions order were void because the trial court acted as a fact witness, that the order granted relief not expressly requested and without notice, and that no testimony or evidence supported the sanctions; this Petition was denied on February 18, 2026 ³³
09-26-00173-CV	Ninth Court of Appeals	Obeginski commenced the litigation by filing a Petition for Writ of Mandamus, ³⁴ and a later Supplement, ³⁵ arguing that the trial court abused its discretion by not ruling on various motions including his motion to vacate the judgment, which he filed after the expiration of the trial court's plenary power; this Petition was denied on May 4, 2026 ³⁶
25-0924	Supreme Court of Texas	Obeginski commenced the litigation by filing a Petition for Writ of Mandamus, ³⁷ and a later Supplement, ³⁸ arguing that the appeals court abused its discretion by, among other things, abdicating its duties and aiding and abetting fraud

		purportedly committed by the trial court; this Petition was denied on November 14, 2025 ³⁹
25-1083	Supreme Court of Texas	Obeginski commenced the litigation by filing a Petition for Writ of Mandamus, ⁴⁰ and a later Supplement, ⁴¹ arguing that the appeals court abused its discretion by, among other things, not suspending a judgment Obeginski failed to supersede and abdicating its jurisdiction; this Petition was denied on January 9, 2026 ⁴²
26-0009	Supreme Court of Texas	Obeginski commenced the litigation by filing a Petition for Writ of Mandamus, ⁴³ arguing that the trial court abused its discretion by not vacating the writs of possession; this Petition was denied on February 6, 2026 ⁴⁴

Thus, the Court declares that Mr. Obeginski is a vexatious litigant under Section 11.054(1)(A).

He is also vexatious under Section 11.054(2)(A) and (B) in that he has filed Motion after Motion, Mandamus after Mandamus, Emergency Motion after Emergency Motion on the same topics. As a sampling, this Court explained in its July 2, 2026 “ORDER DENYING ‘EMERGENCY’ MOTION TO STAY EXECUTION”:

This Court cannot halt execution on the judgment unless a supersedeas bond has been posted, as Mr. Obeginski has already been told - twice:

The appropriate procedure to utilize when a judgment debtor seeks to avoid execution of a final judgment pending the resolution of an appeal is supersedeas. *See generally* TEX. R. APP. P. 24. Obeginski does not assert that he has employed any of the methods for superseding a judgment permitted by Rule 24.1(a). *See id.* R. 24.1(a).

– *See* Memorandum Opinion Cause No. 09-25-00480-CV denying Fifth Petition for Writ of Mandamus, December 4, 2025 at 3.

Contrary to Obeginski’s arguments to this Court, the trial court did take evidence at the hearing. Obeginski declined to be sworn and to provide testimony. He also withdrew his motion to set a supersedeas bond and declined to testify about his net worth.

“If the imposition of monetary sanctions threatens a party’s continuation of the litigation, appeal affords an adequate remedy only if payment of the sanctions is deferred until final judgment is rendered and the party has the opportunity to supersede the judgment and perfect his appeal.” *Braden v. Downey*, 811 S.W.2d 922, 929 (Tex. 1991) (orig. proceeding). Here, however, the trial court has signed a final judgment, and Obeginski has not shown that he lacks an opportunity to supersede the judgment.

– *See* Memorandum Opinion Cause No. 09-26-00071-CV denying Sixth Petition for Writ of Mandamus, February 18, 2026 at 3 and 4.

No supersedeas bond has been posted because Mr. Obeginski has not re-set his request for the Court to set one. He didn’t even request that with this “Emergency” Motion which has, at its core, the desire to stop judgment execution. No supersedeas bond means the Court cannot halt judgment execution....

Because Mr. Obeginski refuses to hear that – and because he obviously wants

this Court and the Court of Appeals to rule on the same argument again and again and again like Groundhog's Day – Mr. Obeginski complains again in this “emergency” motion that the abstract request says “Josh Want Real Estate Group, LLC” not “Joshua Want Real Estate Group, LLC” from which he concludes again:

The judgment creditor cannot have it both ways. If the distinction between Joshua Want Real Estate Group, LLC and Jashua Want Real Estate Group, LLC is legally material for purposes of injunctive relief, then the different name Josh Want Real Estate Group, LLC is likewise legally material for purposes of creating a statutory real-property lien. The Court should not treat entity names as exact and legally significant when used against Movant, but informal and interchangeable when used to enforce the judgment against third-party real property....Because the abstract request was not made in the judgment creditor's legal name, the judgment creditor cannot rely on that abstract to establish a valid prior judgment lien on the Properties.

The Court of Appeals rejected that very argument seven months and 6 days ago in a written opinion.

Id. at 2, 4, and 6. In addition to his many failed attempts to relitigate staying Judgment enforcement without a supersedeas bond, he has also sought relitigation as to the validity of the modified Final Judgment, the Writs of Possession, the Abstract of Judgment, among other things.

The following color-coded table reflects what Mr. Obeginski asked the Court to put in this Order – namely, what is the earlier determination, what is the issue, what is the later attempt, and the identity of it involving the same parties:

16 Mandamuses : Bmt 10 + 1 (Elizondo)
S Ct 6

- Josh Want Real Estate Group, LLC: 4x Beaumont
3x S. Ct.
1x 284th
- Trial court served as a lawyer : 2 x Beaumont
- Not correct attorney: 1x Beaumont
1x 284th
- Supersedeas req'd for a stay of execution 2x Beaumont
1x 284th

9 th Court of Appeals Cause No.	Decision	Supreme Court Cause No.	Court
Jaul Elizondo			
092400332 10/1/24	In a petition for a writ of mandamus, Relator Scott Mitchell Obeginski argues the trial court lacked jurisdiction to issue a final judgment and writ of possession in a trespass-to-try-title case.		
Joshua Want Real Estate Group			
092500374 10/10/25	Obeginski contends the trial court abused its discretion by providing less than 45 days' notice of a trial setting after the trial court cancelled the original trial setting. Obeginski argues that by signing a "prohibited, argumentative response" to Obeginski's motion to recuse, the trial court served as a lawyer in the matter in controversy for purposes of disqualification under Texas Rule of Civil Procedure 18b(a)(1). See Tex. R. Civ. P. 18b(a)(1) ("A judge must disqualify on any proceeding in which: (1) the judge has served as a lawyer in the matter in controversy[.]"). Obeginski contends the trial court abused its discretion by forcing Obeginski to trial before a judge who is disqualified by operation of Rule 18b(a)(1) of the Texas Rules of Civil Procedure. Obeginski argues that because the judge is disqualified, the referral order and the administrative judge's order denying the motion to recuse are void. He contends he lacks an adequate remedy by appeal because the judge's "incurable bias and self-disqualification have rendered the entire proceeding fundamentally unfair."	250924 10/14/25	DENIED

092500413 10/23/25	Obeginski filed supplemental motions in which he argued that execution on a writ of possession could not occur before November 17, and that the writ of possession and the abstract of judgment are void because they issued on behalf of a non-existent entity.	260429 5/1/26	vs. Bmt: The statement that Relator “neither presented his motions...nor asked the trial court to rule” is objectively false. The October 24 hearing transcript demonstrates that Relator was precluded from developing his argument that the writ was requested by a non-existent entity. Because the Ninth Court’s legal conclusion rests on a factual predicate disproven by the official record, the opinion is a clear abuse of discretion. DENIED
092500476 11/21/25	He argues a writ of possession issued on October 22, 2025, is void because the request for the writ of possession filed on October 20, 2025, identifies the plaintiff as Josh Want Real Estate Group, LLC. Obeginski contends a writ of possession issued on November 17, 2025, is void because the request to issue that writ of possession was filed by an attorney other than the attorney who filed a notice of appearance on October 24, 2025. – 241118234: 7/24/26 hearing with this same objection	260009 1/5/26	A clerk’s ministerial authority is not self-executing. It must be properly invoked by a party with the legal right to do so. An application for a writ from a non-party is a legal nullity; it is functionally equivalent to no application at all. It cannot confer upon the clerk the power to issue enforcement process any more than an unsigned pleading can commence a lawsuit. DENIED
092500480 12/2/25	Obeginski contends that on the date of the original mortgage transaction an unidentified statute prohibited mortgage brokers such as the original lender from funding mortgage loans, and consequently the purchaser at the foreclosure sale lacked standing to sue. Thus, he argues that the final judgment in the trespass to try title and the writ of possession are void. Misquotes S Ct case Supersedeas req’d for a stay of execution	251083 12/5/25	The trial court had, in a signed writing, expressly abdicated its jurisdiction to rule on any post-judgment motions. The court of appeals’ denial was based on the flawed premise that Relator has an adequate remedy in the trial court—the very court that has refused to act. This has created a procedural impossibility, or “Catch-22,” leaving Relator with no forum to prevent the imminent, wrongful execution of a writ of possession based on a facially void judgment. DENIED

092600071 2/9/26	Obeginski seeks to compel the trial court to vacate its order of January 9, 2026, which he argues is void because (1) the trial court acted as a fact witness in violation of Texas Rule of Evidence 605, – His filings were already before the trial court, and the trial court considered his filings and the opposing party’s motion for sanctions in its judicial function of evaluating the legal arguments supporting the parties’ motions. (2) the sanctions order imposed relief that was not requested in the motion for sanctions and was imposed without prior notice to Obeginski, (3) no sworn testimony or competent evidence supported the sanctions imposed by the trial court, and (4) Obeginski lacks an adequate remedy by appeal because the trial court scheduled a compliance hearing that will occur before Obeginski’s appeal can be resolved. Supersedeas req’d for a stay of execution		
092600057 2/9/26	the trial court possessed the authority to sanction Obeginski for citing fictitious legal authority in his filings in Trial Court Cause Number 24-11-18234. The larger question is whether the trial court possessed the authority to require Obeginski to attach a copy of the legal authorities cited in a filing Obeginski makes with any court, not just the 284th District Court....Under appropriate circumstances, “just sanctions” includes “the authority to issue injunctions to control a party’s actions in another court.” Miller v. Armogida, 877 S.W.2d 361, 364 (Tex. App.– Houston [1st Dist.] 1994, writ denied) (district court could enjoin plaintiff from re-filing frivolous case in county court).		

092600173 4/29/26	The trial court's plenary power to modify the judgment expired before Relator filed the motion contained in the appendix to his mandamus petition. See Tex. R. Civ. P. 329b(e). Relator has not invoked the trial court's power to enforce its judgment, as the motion seeks to void the judgment, not to enforce it.	260439 5/5/26	Relator Scott Obeginski files this petition for writ of mandamus against the Ninth Court of Appeals at Beaumont. On April 1, 2026, Relator filed a notice of submission asking the trial court to rule on the no-hearing motions and supplements. When the trial court did not rule and enforcement continued, Relator filed an emergency mandamus in the Ninth Court in Cause No. 09-26-00173-CV and later supplemented that proceeding to include the March 25 motions directed at the writ of possession and writ of execution. On May 4, 2026, the Ninth Court denied mandamus relief. It held that the trial court's plenary power had expired before Relator filed the motion contained in the appendix to his mandamus petition, that Relator's motion sought to void the judgment rather than to enforce it, and that Relator therefore had not shown the trial court abused its discretion by failing to rule.
092600194 5/19/26	In a petition for a writ of mandamus, Scott Mitchell Obeginski asks this Court to compel the Montgomery County District Clerk to accept monthly installment payments of \$500 for the clerk's record for Appeal Number 09-25-00487-CV, Scott Mitchell Obeginski v. Codilis & Moody, P.C., et al. He argues that relieving him from paying \$5,973 for the entire record now will protect our jurisdiction.		
092600263 6/30/26	Relator argues that the Clerk exceeded her ministerial authority by issuing an abstract of judgment that identified the judgment creditor and the judgment debtor as their names appear in the trial court's judgment and not as they appear in the judgment creditor's request for an abstract of judgment		

092600268 7/6/26 “This is the tenth petition in which Obeginski has applied for mandamus relief related to Trial Cause Number 24-11-18234.”	This time, Relator claims the trial court abused its discretion by denying his request to quash an execution sale without first deciding whether the judgment creditor filed a valid application for an abstract of judgment. See Tex. Prop. Code Ann. § 52.002(a) (“On application of a person in whose favor a judgment is rendered or on application of that person’s agent, attorney, or assignee, . . . the clerk of the court in which the judgment is rendered shall prepare, certify, and deliver to the applicant an abstract of the judgment.”). Relator argues the abstract of judgment is invalid because the application identifies the judgment creditor as “Josh Want Real Estate Group LLC” when the actual name of the judgment creditor is Joshua Want Real Estate Group, LLC.	260791 7/24/26	Section 52.002(a) makes the identity and authority of the applicant a mandatory statutory predicate to issuance of an abstract of judgment DENIED

As for prevailing, when the decisions have been made against him, there is no conclusion to be drawn other than “there is not a reasonable probability” that Mr. Obeginski will prevail. In his response to Joshua Want Real Estate Group, LLC’s Motion, he noted that this Court has two judgments up on appeal, such that they have not been “finally determined adversely” to him. That was true when he said it, but irrelevant because even if the Court were to eliminate those cases from the count, (1) he has still “after a litigation has been finally determined against” him “repeatedly relitigate[d] or attempt[ed] to relitigate, *pro se*, either: (A) the validity of the determination...or (B)...issues of fact or law determined or concluded by the final determination”, (2) there are still 11 litigations at the courts of appeals to add to the 3 (if the 2 that are on appeal are removed) at the trial court level all starting in August of 2023, and (3) there are still:

- (1) 8 instances of relitigating Mr. Obeginski’s claims that the name used on the application for an abstract of judgment makes the abstract of judgment void (09-25-00413, 09-25-00476, 26-0429, 26-0009, 09-26-00263, 09-26-00268, 24-11-18234),
- (2) 2 relitigations on the claim that this Court served as a fact witness/lawyer in the case (09-25-00374, 09-26-00071),

- (3) 2 litigations about how Adam Fracht was not counsel for Joshua Want Real Estate Group, LLC (09-25-00476, 24-11-18234), and
- (4) 3 relitigations about whether the judgment could be stayed absent an supersedeas bond (09-25-00480, 09-26-00071, 24-11-18234)

and all of the above resulted in a final loss for Mr. Obeginski (except for 24-11-18234 which is up on appeal, but where the decision as to the issue was finally made by the trial court) and all of which involved the same parties.

Mr. Obeginski argued that the record doesn't show the mandamuses are separate litigations, but this Court disagrees (the Clerk's Record contains the opinions from the appellate courts) *and* those still represent relitigation of the same issues as those opinions reflect.

Public Policy Dictates Finding Mr. Obeginski A Vexatious Litigant:

The problem Mr. Obeginski creates for the judicial system cannot be overstated:

Flagrant abuse of the judicial process cannot be tolerated because it enables one person to preempt the use of judicial time that properly could be used to consider the meritorious claims of other litigants.

De Long v. Hennessey, 912 F.2d 1144, 1148 (9th Cir. 1990). Because vexatious litigation clogs the court system and diminishes the efficient administration of justice, "courts can regulate the activities of abusive litigants," including "enjoining litigants with abusive and lengthy litigation histories".

RinggoldLockhart v. County of L.A., 761 F.3d 1057, 1061 (9th Cir. 2014) (citations omitted). In that vein, Texas recognizes both the value and constitutionality of the vexatious litigant statute:

The purpose of the statute is to make it possible for courts to control their dockets rather than permitting courts to be burdened with repeated filings of frivolous and malicious litigation by litigants without hope of success while, at the same time, providing protections for litigants' constitutional rights to open courts when they have genuine claims that can survive the scrutiny of the administrative judge and the posting of security to protect defendants. *In re Potts*, 357 S.W.3d 766, 768 (Tex. App. – Houston [14th Dist.] 2011, orig. proceeding)....

This court and three sister courts of appeals have concluded that the vexatious litigant statute does not violate the vexatious litigant's constitutional due process rights. *See Potts*, 357 S.W.3d at 769; *Johnson v. Sloan*, 320 S.W.3d 388,

389-90 (Tex. App. – El Paso 2010, pet. denied); *Clifton v. Walters*, 308 S.W.3d 94, 101-02 (Tex. App. – Fort Worth 2010, pet. denied); *In re Johnson*, No. 07-07-0245-CV, 2008 WL 2681314, at *2 (Tex. App. – Amarillo Jul. 9, 2008, orig. proceeding) (mem. op.). Relator has not shown that the restrictions in the vexatious litigant statute are unreasonable or arbitrary when balanced against the purpose and basis of the statute. The statute does not authorize courts to act arbitrarily, but permits them to restrict a plaintiff's access to the courts only after first making specific findings that the plaintiff is a vexatious litigant based on factors that are closely tied to the likelihood that the litigation is frivolous. *See Potts*, 357 S.W.3d at 769; TEX. CIV. PRAC. & REM.CODE ANN. § 11.054.

Although relator was found to be a vexatious litigant, chapter 11 and the trial court's order do not categorically bar her from prosecuting a lawsuit, but require her to seek permission from the local administrative judge before filing. *See* TEX. CIV. PRAC. & REM.CODE ANN. § 11.102. Therefore, relator has not been deprived of her access to appellate courts or her ability to seek a meaningful appeal.

In re Potts, 399 S.W.3d 685, 687-88 (Tex. App. – Houston [14th Dist.] 2013, orig. proceeding).

Likewise, repeated filings of the same case in the manner of Groundhog's Day is something the statute seeks to prevent:

On the contrary, preventing such repeated filings is the core purpose behind chapter 11. *See In re Potts*, 399 S.W.3d 685, 687 (Tex. App. – Houston [14th Dist.] 2013, orig. proceeding) (“The purpose of [chapter 11] is to make it possible for courts to control their dockets rather than permitting courts to be burdened with repeated filings of frivolous and malicious litigation by litigants without hope of success while, at the same time, providing protections for litigants’ constitutional rights to open courts when they have genuine claims[.]”).

Leonard v. Paxton, No. 03-19-00771-CV, 2020 WL 1814614, at *2 (Tex. App. – Austin Apr. 10, 2020, no pet.) (mem. op.).

As the table above shows, Mr. Obeginski has devoted the last three years to his quest to litigate events which trial and appellate courts have told him have no merit. His relentless pursuit ignores all sense of decorum, but, even more so, ignores the rules of law. It ends now. This Court grants its own Prefiling Motion, and also Joshua Want Real Estate Group, LLC's Motion for Prefiling Order.

The Court finds that:

1. There is no reasonable probability that Plaintiff would prevail in the above captioned cause; and
2. Prior litigation Plaintiff has been finally determined against Plaintiff on multiple occasions;

and/or

3. Plaintiff has repeatedly attempted to relitigate the validity of the determination of the disputes between himself and others, as well as the causes of action, claims, controversies and issues of fact and law determined or concluded.

Based on these findings, it is ORDERED, ADJUDGED, and DECLARED that Scott Obeginski (aka Scott M. Obeginski, Scott Mitchell Obeginski) is a “vexatious litigant” as set forth in Texas Civil Practice and Remedies Code Chapter 11.

It is further ORDERED that Scott Obeginski (aka Scott M. Obeginski, Scott Mitchell Obeginski) is **prohibited** from filing any new litigation in any court in this state without first obtaining permission of the appropriate local administrative judge, as provided by Texas Civil Practice and Remedies Code Section 11.102 **EXCEPT** that as this Court is the Local District Court Administrative Judge, this Court grants permission for Mr. Obeginski to appeal this Prefiling Order.

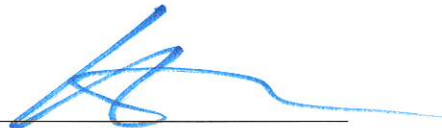
It is further ORDERED that upon Scott Obeginski (aka Scott M. Obeginski, Scott Mitchell Obeginski) requesting any such permission, Scott Obeginski (aka Scott M. Obeginski, Scott Mitchell Obeginski) is ordered to provide a copy of the request to all Defendants named in the proposed litigation.

It is further ORDERED that the clerk of this court shall provide a copy of this order to the Office of Court Administration of the Texas Judicial System within 30 days of its signing, pursuant to Texas Civil Practice and Remedies Code Section 11.104(b).

It is further ORDERED that the Office of Court Administration shall identify Scott Obeginski (aka Scott M. Obeginski, Scott Mitchell Obeginski) as a vexatious litigant on its website pursuant to Texas Civil Practice and Remedies Code Section 11.104(c).

website pursuant to Texas Civil Practice and Remedies Code Section 11.104(c).

Signed October 9, 2026


KRISTIN BAYS
Presiding Judge - 284th District Court