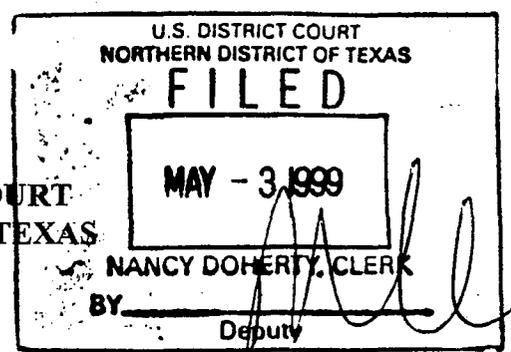


ORIGINAL

THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION



Jerry Michael Collins

vs.

Richard Lawrence, et al.

Civil Action Number:

399CVO641-P

MOTION FOR SANCTIONS UNDER RULE 11(b)

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now, Judge Louis B. Gohmert, Jr., Defendant in the above styled and numbered cause and files this his Motion for Sanctions and would respectfully show the Court the following:

1. Plaintiff filed suit against this Defendant solely out of this Defendant's presiding over and ruling in a lawsuit pending before his court. Judge Gohmert did not ask for the case, did not care if it was randomly assigned to him, as it was, or how the suit concluded. The only direct allegation made against Judge Gohmert is that he "knowingly and willfully aided in the commission of two or more alleged predicate offenses that constitute the alleged pattern of racketeering activity." That is the only claim against Judge Gohmert with absolutely no allegations of even *alleged* facts to justify such an allegation. The only facts Plaintiff *could accurately* allege would be that Judge Gohmert properly granted a summary judgement against him in Smith County, Texas, in Cause # 97-2850-A, styled "Jerry Michael Collins vs. Conner, Gillen, et al" that was pending in this Defendant's Court. Since the summary judgement hearing in that case encompasses the only direct contact between the Plaintiff and this Defendant, a copy of the transcript of that hearing which occurred on December 4, 1998, is attached hereto and made a part hereof for all purposes, as is the transcript of the hearing conducted by the Honorable Pat McDowell held on December 18<sup>th</sup>, 1998, on Plaintiff's Motion to Recuse.
2. Plaintiff was apparently angry that Judge Gohmert granted the Defendant's Motion for Summary Judgement in the aforementioned cause. However, instead of pursuing the normal and legal course to test such ruling, he conceded the Summary Judgement by allowing it to become final without appealing, then gratuitously added Judge Gohmert's name to this suit. The undersigned *pro se* Defendant does not know the background of the allegations against the other defendants herein, nor does the undersigned care to know.
3. The fact is, though, by suing Judge Gohmert herein, this Plaintiff has done so solely for the purpose of harassing this state judge. Rule 11(b), F.R.C.P. forbids plaintiff's conduct. *This Defendant realizes that by sanctioning the Plaintiff herein, this honorable federal Court places itself in the cross hairs of the next of Plaintiff's lawsuits,* but the hope and belief is that if each

22

00 01

court from here forward sanctions the Plaintiff with increasing severity for baseless and harassing suits, eventually, Plaintiff will be more selective in whom he chooses to sue and will be more compliant with the law.

4. This is not an ignorant nor inarticulate Plaintiff, as Judge Gohmert stated in the hearing with the Plaintiff (Transcript of Hearing on December 4, 1998, @ p.52 ). Further, Plaintiff clearly has access to very good and helpful legal resources, as his pleadings reflect. This Defendant further has come to understand that having or expressing sympathy for this Plaintiff will get one sued. Accordingly, this Defendant would encourage this honorable federal Court not to fall into that trap for the unwary, but utilize sanctions, not sympathy, to placate this Plaintiff.

5. The vindictiveness and harassing nature of the Plaintiff's actions against this Defendant can be further seen in the fact that Plaintiff sent a "Notice of Lawsuit and Request for Waiver of Service for Summons" in this case in proper form and properly included a copy of the Plaintiffs original Complaint, which was received by this Defendant on March 30, 1999. Although shocked to be named in such a lawsuit, Judge Gohmert knew the rules, was not going to cause the need for formal service, calendared the 30 day deadline, and intended to respond appropriately and timely, then have 30 more days to file motions and an answer. Apparently, unsatisfied with that process, the Plaintiff had a process server come sit in Judge Gohmert's courtroom on April 12<sup>th</sup> until he took a recess at which time, the process server came forward to serve Judge Gohmert formally.

6. This Defendant, as an elected, active state district judge, has to have a visiting judge sit for him each day he has to take off to deal with Plaintiff's claims, in order not to lose valuable court time. That costs the State of Texas and its taxpayers approximately \$327 for each day. Plus, litigants before Judge Gohmert's court who have rulings pending on legitimate matters of vital concern have to be placed on hold while he deals with this spurious matter the Plaintiff has alleged, without facts, against him.

*Wherefore, premises considered,* Judge Gohmert respectfully prays that this Plaintiff be sanctioned with sufficient severity to make it less likely that other judges' courts and dockets will likewise be unfairly and unnecessarily disrupted, and have Plaintiff pay for the costs of visiting state district judges Plaintiff has required, which should be paid to the Texas State Comptroller - Judiciary, and to pay Defendant for all expenses incurred herein, and all such other and further relief and sanctions this Honorable Court deems appropriate.

Respectfully submitted,



Louis B. Gohmert, Jr.  
Judge, 7<sup>th</sup> District Court  
Smith County Courthouse  
Tyler, Texas 75702  
*Pro se Defendant*

**Certificate of Service**

A copy of the above pleading is being sent by U.S. Mail to Plaintiff and attorney for the other Defendants at the address provided in their pleading on this the 3<sup>rd</sup> day of May, 1999.



\_\_\_\_\_  
Louis B. Gohmert, Jr.