

CAUSE NO. CV05297

UDO BIRNBAUM	§	IN THE COUNTY COURT
	§	
v.	§	AT LAW OF
	§	
CHRISTINA WESTFALL, ET AL.	§	VAN ZANDT COUNTY, TEXAS

**ORDER OF ASSIGNMENT BY PRESIDING JUDGE AND
APPOINTMENT OF LOCAL ADMINISTRATIVE JUDGE FOR CASE**

This case, bearing Cause No. 14-00266 in the 294th District Court of Van Zandt County, Texas, was transferred by the undersigned to the County Court at Law of Van Zandt County on July 14, 2015, due to the voluntary recusal of District Judge Teresa A. Drum. Such transfer was authorized pursuant to Texas Government Code sections 25.2362 (jurisdiction of Van Zandt County Court at Law) and 74.094 (authority of district and statutory county court judges). The case was given the above-referenced cause number in the county court at law.

Thereafter, on July 20, 2015 and due to the voluntary recusal of County Court at Law Judge Randal McDonald, the undersigned assigned the Honorable Joe M. Leonard, Senior Judge of the 196th District Court, to the case pursuant to Texas Government Code section 74.056.

On or about October 8, 2015, Judge Leonard signed a Prefiling Order, as follows:

“The Court enters a finding that there is no reasonable probability that Plaintiff will prevail as a pro se litigant and enters the following order: Plaintiff, Udo Birnbaum, is prohibited from filing pro se any new litigation in the 294th District Court and County Court at Law of Van Zandt County without permission of the Local Administrative Judge of the First Administrative Region. The District Clerk and County Clerk are prohibited from filing litigation, original proceedings, appeals, or other claims pro se made by Udo Birnbaum, vexatious litigant, unless Udo Birnbaum obtains an order giving permission entered by the Honorable Administrative Judge for the First Administrative Region. Additionally, the District Clerk and County clerk shall provide notice to the Office of Court Administration of the Texas Judicial System in Austin, Texas, by sending a copy of this Prefiling Order not later than 30 days from this date.”

In response to Mr. Birnbaum’s request for assistance, the undersigned advised all parties on Monday, October 19, 2015, that the “Local Administrative Judge” must consider vexatious litigant requests pursuant to section 11.102 of the Texas Civil Practice & Remedies Code, and the undersigned is without authority to do so as the regional presiding judge. Based on the voluntary recusals of Judges Drum and McDonald, who are the local administrative judges for the district and county court at law courts, respectively, of Van Zandt County, no local administrative judge exists to address the Prefiling Order and requests by Mr. Birnbaum as directed under that order.

Accordingly, it is necessary that a local administrative judge be appointed for purposes of this case. Both Judges Drum and McDonald are recused from making that election.

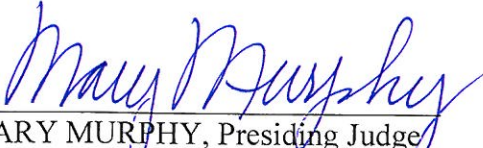
After considering the above, the undersigned finds in the interest of justice that a local administrative judge must be appointed to address the Pretrial Filing Order signed on October 8, 2015 by Judge Leonard and that the same judge should be assigned to the merits of the case if it proceeds. As a result and with the agreement of Judge Leonard, the July 20, 2015 Order assigning Judge Leonard to this case is being terminated pursuant to a separate order signed this date.

Pursuant to section 74.056, Texas Government Code, I assign the Honorable Richard Mays, Senior Judge of the 204th District Court, to preside in the above-numbered and entitled cause, and appoint the Honorable Richard Mays to serve as the Local Administrative Judge of the County Court at Law of Van Zandt County to this case only for purposes of making any determinations required of the local administrative judge, including those duties under section 11.102 of the Texas Civil Practice and Remedies Code regarding vexatious litigants.

This assignment and appointment continue until such time as the judge's plenary power has expired or the assignment and appointment are terminated by the Presiding Judge of the First Administrative Judicial Region, whichever occurs earlier.

IT IS ORDERED that the Clerk of the Court to which this assignment is made, if it is reasonable and practicable, and if time permits, give notice of this assignment to each attorney representing a party, and to each party representing himself or herself pro se, to a case that is to be heard in whole or in part by the assigned judge.

Signed this 21 day of October, 2015.


MARY MURPHY, Presiding Judge
First Administrative Judicial Region