

CAUSE NO. 2023CI23366

CHRISTOPHER RICK MONTEZ
Plaintiff,

v.

JUDGE MELISA SKINNER
Defendant.

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IN THE JUDICIAL DISTRICT COURT

288TH JUDICIAL DISTRICT

BEXAR, COUNTY TEXAS

ORDER DECLARING CHRISTOPHER RICK MONTEZ A VEXATIOUS LITIGANT

On February 6, 2024, in accordance with TEX. CIV. PRAC. & REM. CODE § 11.053, this Court held a hearing on Defendant Judge Melisa Skinner’s (“Judge Skinner”) Motion to Declare Christopher Rick Montez a Vexatious Litigant. Judge Skinner’s Motion to Declare Christopher Rick Montez a Vexatious Litigant was filed on or before the 90th day after of the filing of Judge Skinner’s Answer in this lawsuit, in accordance with TEX. CIV. PRAC. & REM. CODE § 11.051. All parties received proper notice of this hearing, in accordance with TEX. CIV. PRAC. & REM. CODE § 11.053. The Court having reviewed the motion, pleadings, the law, evidence and arguments of all parties, enters the following order:

On October 30, 2023, Christopher Rick Montez filed this lawsuit against Judge Skinner, but did not identify any causes of action or any specific relief he was seeking. (Petition). Christopher Rick Montez is attempting to collaterally attack his past criminal convictions.

Christopher Rick Montez does not allege or produce any evidence to establish a waiver of the sovereign immunity of Judge Skinner in her official capacity or the abrogation of judicial immunity in Judge Skinner’s individual capacity. Further, Christopher Rick Montez does not have standing to bring any of his claims in this lawsuit against Judge Skinner because Christopher Rick Montez does not present an alleged injury that is “fairly traceable” to the specific conduct of Judge Skinner, and this Court cannot redress any alleged injury, because awarding any relief in this matter

would require this Court to review and invalidate Judge Skinner's judicial decisions or any steps she has taken regarding the probate matter. As a result, this Court also lacks subject matter jurisdiction to entertain this lawsuit.

Accordingly, the Court **FINDS** there is not a reasonable probability that Christopher Rick Montez will prevail in the litigation against Judge Skinner.

Over the last seven years, Christopher Rick Montez has filed this and commenced, prosecuted, or maintained as a *pro se* litigant numerous other litigations other than in small claims court that have been finally determined adversely to him. *See* TEX. CIV. PRAC. & REM. CODE § 11.054(1)(A). These include, but are not limited to the following litigations finally determined adversely to Christopher Rick Montez:

1. *Montez v. Hancock*, No. 523CV00702OLGRBF, 2023 WL 6410945, at *1 (W.D. Tex. Aug. 30, 2023), *rept. and rec. adopted*, No. SA-23-CV-702-OLG, 2023 WL 6446207 (W.D. Tex. Sept. 28, 2023);
2. *Montez v. United States Fed. Courthouse*, No. 23-50278, 2023 WL 7141114 (5th Cir. Aug. 7, 2023);
3. *Montez v. Texas Vista Med. Ctr./Sw. Gen. Hosp.*, No. SA-22-CV-00851-JKP, 2023 WL 2645351 (W.D. Tex. Mar. 27, 2023);
4. *Montez v. Texas Vista Med. Ctr./Sw. Gen. Hosp.*, No. SA-22-CV-00851-JKP, 2023 WL 2645351 (W.D. Tex. Mar. 27, 2023);
5. *Montez v. M.E. Rodriguez Funeral Home*, No. SA-22-CV-00065-OLG, 2022 WL 3499641 (W.D. Tex. Apr. 13, 2022);
6. *Christopher Rick Montez, Plaintiff, v. Court 175th, Bexar County; Court 150th, Bexar County; Court CCl, Bexar County; and Court 290th, Bexar County, Defendants.*, No. SA-22-CV-00036-OLG, 2022 WL 325907 (W.D. Tex. Feb. 2, 2022), *rept. and rec. adopted sub nom. Montez v. Ct. 175th, Bexar Cnty.*, No. SA-22-CV-00036-OLG, 2022 WL 2782650 (W.D. Tex. Mar. 18, 2022);
7. *Montez v. M.E. Rodriguez Funeral Home*, No. SA-22-CV-00065-OLG, 2022 WL 3499641 (W.D. Tex. Apr. 13, 2022); and

8. *Montez v. FBI*, No. SA-23-CV-1494-JKP, 2023 WL 8813565 (W.D. Tex. Dec. 20, 2023)

In addition to the litigations *supra*, Christopher Rick Montez qualifies to be declared a vexatious litigant because he repeatedly relitigates matters previously finally determined adversely to him. *See* TEX. CIV. PRAC. & REM. CODE § 11.054(1)(B). The lawsuit in this case is nearly identical to a federal lawsuit that he has already unsuccessfully litigated, which was itself a relitigation of his state court convictions. *See Montez v. Court 175th, Bexar County, et al.*, No. SA-22-CV-00036-OLG, 2022 WL 325907 (W.D. Tex. Feb. 2, 2022), *report and recommendation adopted sub nom. Montez v. Ct. 175th, Bexar Cnty.*, No. SA-22-CV-00036-OLG, 2022 WL 2782650 (W.D. Tex. Mar. 18, 2022). Moreover, the federal lawsuit was itself a relitigation of a federal suit from a year before that was ALSO determined adversely to Christopher Rick Montez. *See Montez v. Court 175th, Bexar County, et al.*, No. SA-21-CV-00595-OLG, Dkt. No. 24 (order adopting report and recommendation) (W.D. Tex. November 10, 2021). Each of these are relitigated matters previously finally determined adversely to Christopher Rick Montez.

Finally, Christopher Rick Montez qualifies as a vexatious litigant because he has a previous determination that the plaintiff is a vexatious litigant. *See* TEX. CIV. PRAC. & REM. CODE § 11.054. Christopher Rick Montez was previously declared a vexatious litigant in federal court when he attempted to sue the judiciary. *See Montez v. United States Fed. Courthouse*, No. SA-22-CV-01301-JKP, 2023 WL 2072416, at *1 (W.D. Tex. Feb. 17, 2023), *appeal dismissed*, No. 23-50278, 2023 WL 7141114 (5th Cir. Aug. 7, 2023).

Courts cannot allow litigants to abuse the judicial system and harass their victims without consequence. Accordingly, the Court **FINDS** that Christopher Rick Montez is such a litigant and his conduct is subject to review and action by this Court.

Chapter 11 of the CIVIL PRACTICE AND REMEDIES CODE, provides this Court with the authority to prevent Christopher Rick Montez from using the judicial system to retaliate against and harass Judge Skinner or any other party.

ORDER

Chapter 11 of the TEXAS CIVIL PRACTICE AND REMEDIES CODE governs suits brought by vexatious litigants. The Court may, on defendant's motion or *sua sponte*, designate a party as a vexatious litigant. TEX. CIV. PRAC. REM. CODE § 11.101.

A party may be declared a vexatious litigant if there is **not** a reasonable probability that she will prevail in litigation **and** if any of the following elements are met: 1) in the seven-year period immediately preceding the date the defendant makes the motion under Section 11.051, the party has commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant other than in a small claims court that have been 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, ... 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; or 3) the plaintiff has previously been declared to be a vexatious litigant by a state or federal court in an action or proceeding based on the same or substantially similar facts, transition, or occurrence. *See* TEX. CIV. PRAC. REM. CODE § 11.054.

As discussed above, Christopher Rick Montez does not allege or produce any evidence to establish a waiver of the sovereign immunity of Defendant Judge Melisa Skinner or abrogate Judge Skinner's judicial immunity, nor does Christopher Rick Montez establish his own standing to bring any cause of action against Judge Skinner.

Specifically, the Court **FINDS** as follows:

- (1) There **IS NOT** a reasonable probability that Christopher Rick Montez will prevail in his current litigation against Judge Melisa Skinner.
- (2) In the past seven-year period, Christopher Rick Montez, has “commenced, prosecuted, or maintained at least five litigations as a *pro se* litigant other than in a small claims court that have been finally determined adversely to” Christopher Rick Montez.
- (3) After a litigation has been finally determined against him, Christopher Rick Montez repeatedly relitigated or attempted to relitigate, *pro se*, ... the cause of action, claim, controversy, or any of the issues of fact or law determined or concluded by the final determination against him.
- (4) Christopher Rick Montez has previously been declared to be a vexatious litigant by a state or federal court in an action or proceeding based on the same or substantially similar facts, transition, or occurrence.
- (5) Christopher Rick Montez meets the criteria for finding a plaintiff a vexatious litigant.

The Court also **FINDS** that Christopher Rick Montez has in the past 90 days filed more than a dozen new lawsuits in Bexar County courts, including this one.

Accordingly, this Court **ORDERS** that **Christopher Rick Montez** is adjudicated to be a vexatious litigant.

Because of this, the Court **ORDERS** that **Christopher Rick Montez** is prohibited from filing *pro se* any new litigation in a court in this state, under the name “**Christopher Rick Montez**,” “**Christopher Montez**,” “**Chris Montez**” or any other name, without first being granted permission to file by the local administrative judge, pursuant to TEX. CIV. PRAC. REM.

CODE § 11.101. Such permission shall be granted only if the litigation appears to have merit and is not filed for purposes of harassment or delay; such permission may also be conditioned on the furnishing of a security.

Christopher Rick Montez is hereby **NOTIFIED** that he is subject to punishment pursuant to the inherent powers of the court or by contempt if he fails to obey this pre-filing order.

The Court further **ORDERS** that the Clerk of the Court is directed to notify the Office of Court Administration of this Court's declaration of Christopher Rick Montez as a vexatious litigant and this pre-filing order, pursuant to TEX. CIV. PRAC. REM. CODE § 11.103 (a). The Office of Court Administration of the Texas Judicial System shall list Christopher Rick Montez a/k/a "Christopher Montez" on the list of vexatious litigants subject to pre-filing orders on the agency's Internet website. TEX. CIV. PRAC. REM. CODE § 11.103(b).

Finally, the Court **ORDERS** that proceedings in this matter are hereby stayed; that **Christopher Rick Montez** is **ORDERED** to provide security to Defendant Judge Melisa Skinner by posting a bond with this Court in the amount of \$ -0- to cover reasonable expenses incurred in connection with the litigation commenced by Christopher Rick Montez, including costs and attorney's fees; that, if Christopher Rick Montez fails to post a \$ -0- bond within ten calendar days of the signing of this Order, then this suit will be dismissed with prejudice in its entirety, pursuant to TEX. CIV. PRAC. REM. CODE § 11.056.

FEB 07 2024

Date



JUDGE PRESIDING