

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROYCE EUGENE MITCHELL, JR.,	§
et.al,	Plaintiffs §
	§
v.	§ Civil Action H-02-2167
	§
GWYN SHEA, et. al,	§
	Defendants §

**Plaintiffs' Response to Defendant State Bar Associations
Opposition to Plaintiff William's Motion for Protective
Order**

1. Plaintiff William responds to STATE BAR OF TEXAS ASSOCIATION opposition to plaintiff William's request for protective order.

2. Plaintiff seeks a protective order to prohibit defendants from filing more and pursuing current litigation pending the outcome of this action.

3. Plaintiff cited Fed. R. Civ. P. 26(c), in which a federal district court "may make any order which Justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense..." Plaintiff William is a party to this suit and does suffer from official oppression designed to disrupt the jurisdiction of this honorable Court.

4. Defendant SBOT, who stands accused of being part of a RICO Act organization, responded asking this court to deny plaintiff's request for a protective order. SBOT cited as support for their position 28 U.S.C. § 2283, the Anti Injunction Act.

5. Defendants state that the court is "plainly barred" from preventing the oppression of plaintiffs through the various forms of RICO-Act-organization frivolous legal proceedings.

28 U.S.C. § 2283 states as follows:

"Sec. **2283**. - Stay of State court proceedings

A court of the United States may not grant an injunction to stay proceedings in a State court except as expressly authorized by Act of Congress, or **where necessary in aid of its jurisdiction**, or to protect or effectuate its judgments."

6. Plaintiffs ask that the court take notice of the fact that §2283 states three exceptions to the Anti Injunction Act. Those exceptions are created for a case where it is necessary to enjoin state courts. Besides where Congress has authorized injunction by an Act, the Court may enjoin a state court "**in aid of its jurisdiction**, or to protect or effectuate its judgments."

7. "On its face the present Act is an absolute prohibition against enjoining state court proceedings, **unless** the injunction falls within one of three specifically defined exceptions." *Piambino v. Bailey*, 610 F.2d 1306 (5th Cir. 02/06/1980).

8. "(We) hold that any injunction against state court proceedings otherwise proper under general equitable principles must be based on one of the specific statutory exceptions to § 2283 if it is to be upheld. . . ." *Piambino v. Bailey*, 610 F.2d 1306 (5th Cir. 02/06/1980); *Mitchum v. Foster*, 407 U.S. 225, 229, 92 S. Ct. 2151, 2155, 32 L. Ed. 2d 705 (1972), Quoting *Atlantic Coast Line R. Co. v. Brotherhood of Locomotive Engineers*, 398 U.S. 281, 286-87, 90 S. Ct. 1739, 26 L. Ed. 2d 234 (1970). See also *Amalgamated Clothing Workers v. Richman Bros.*, 348 U.S. 511, 75 S. Ct. 452, 99 L. Ed. 600 (1955); *Carter v. Ogden Corp.*, 524 F.2d 74, 76 (5th Cir. 1975); *International Ass'n of Machinists & Aerospace Workers v. Nix*, 512 F.2d 125, 129 (5th Cir. 1975).

9. Furthermore, it has long been "settled that the prohibition of § 2283 cannot be evaded by addressing the order to the parties or prohibiting utilization of the results of a completed state proceeding." *Piambino v. Bailey*, 610 F.2d 1306 (5th Cir. 02/06/1980); *Atlantic Coast Line R. Co.*, *supra*, 398 U.S. at 287, 90 S. Ct. at 1743,

Citing Oklahoma Packing Co. v. Gas Co., 309 U.S. 4, 9, 60 S. Ct. 215, 84 L. Ed. 537 (1940), and Hill v. Martin, 296 U.S. 393, 403, 56 S. Ct. 278, 80 L. Ed. 293 (1935).

10. The court in Newby v. Enron stated, "It is a given that the district court ... had subject matter jurisdiction to issue an injunction **to preserve and protect its jurisdiction.**" Newby v. Enron Corp., No. 02-20343 (5th Cir. 08/09/2002).

11. "Although the Anti-Injunction Act is an absolute bar to any federal court action that has the effect of staying a pending state court proceeding **unless the action falls within a designated exception, it does not preclude injunctions against a lawyer's filing of prospective state court actions.**" Dombrowski v. Pfister, 380 U.S. 479, 484 n.2 (1965); Phillips v. Chas. Schreiner Bank, 894 F.2d 127, 132 & n.8 (5th Cir. 1990); Newby v. Enron Corp., No. 02-20343 (5th Cir. 08/09/2002).

History-Episode 1

12. In order for the court to understand the necessity for this injunction, plaintiff William must first embark upon a history of the abuses leading to plaintiffs' complaint and plaintiff William's request for protective order.

13. In 1980, the Supreme Court of Texas ordered UPL to construct rules under which a party would know how they can secure evidence and conduct themselves in any "administrative" hearing conducted by the UPL. To date, 22 years later, the UPL has not promulgated any rules as ordered by the Supreme Court of Texas.

14. Plaintiff William was first contacted by defendant Lehmann about the events made the basis of this suit in a letter dated July 13, 1998.

15. William responded on July 22, 1998, with a request for more information related to any complaint that the SBOT or UPL had against William. William requested a copy of any "license to practice law" in any form, and minutes of meetings related to said documents or legislation. In that letter, William specifically promised Lehmann, Chief Justice Thomas Phillips, all the Associate Justices of the Texas Supreme Court and the UPL with federal action, including civil prosecution for RICO Act violations as has been filed in this suit. Defendants SBOT and UPL have stated in their response that they don't understand the nature of the complaint, yet in the letter dated July 22, 1998, justification for suit and the grounds for suit were plainly stated to the SBOT, UPL and to the Supreme Court Justices through defendant Phillips as Chief Justice of the Texas Supreme Court.

16. William also contacted the Texas Secretary of State to see if Lehmann had any oath of office as is constitutionally required for any officer to act under authority for the State of Texas in any capacity.

17. Defendant Lehmann, speaking for defendant UPL, responded on Supreme Court of Texas letterhead, to William's request for more information on July 24, 1998. Lehmann set an August 3, 1998 meeting at Lehmann's offices.

18. William received a letter from the Texas Secretary of State on July 27, 1998 stating defendant Lehmann did not have an Oath of office as required by Texas Const. Art 16, Sec.1.

19. William sent a letter to Lehmann, UPL, on July 28, 1998, informing them of his findings that Lehmann had no authority to act under the Texas Constitution.

20. On July 28, 1998, William received a letter from the Supreme Court of Texas stating that the Supreme Court of Texas did not control the UPL committee. If this is true, as the Supreme Court has said, then the SBOT and UPL are rogue psuedo-agencies conducting out-of-control witch hunts against anyone the SBOT might consider an enemy.

21. On August 3, 1998, William appeared at the office of defendant Lehmann as demanded by Lehmann in his July 24, 1998 letter. Lehmann was not present. William notified the Chief Justice Phillips in a letter to the Supreme Court that he had appeared and that Lehmann had not appeared for the meeting at Lehmann's own office. William also sent a notice to the UPL, to defendant Lehmann, to voice his displeasure at defendant Lehmann's not appearing for the meeting set by Lehmann on the same date.

22. There was no other communication between the parties concerning this event after the communication of August 3, 1998. The entire action just "went away" and apparently was designed to waste plaintiff's time and money.

23. In October of 1998 the State Bar of Texas "Update" newsletter issued with an article that stated that the State Bar would go after anyone who spoke out against any member of the judiciary in this state, which would be against any State Bar of Texas member. An 800 number was given so that any Bar member could call in to let the SBOT know who was knocking the judiciary (800-204-2222, ext. 1414). The State Bar of Texas, the RICO Act organization complained of in plaintiffs' complaint, made good on its threat in plaintiffs' case.

24. September 9, 1999, on Supreme Court of Texas letterhead, Rodney Gilstrap, Chair of the UPL, with a copy sent to Supreme Court of Texas Clerk, John Adams, answered William's letter of July 22, 1998. In that letter Gilstrap admitted that the license to practice law was "not a judicial record." If a law license is to be issued by the Supreme Court of Texas, how is it that it is not a judicial record?

History—Episode 2

25. Despite the fact that a license to practice law is not a judicial record, according to the Supreme Court of Texas, the State Bar Association of Texas continued with its attacks on William. On October 19, 1998, an alleged complaint was filed against Jim Farmer, attorney at law, for failure to supervise his employee; in this case the "employee" was William. The complaint was filed with the State Bar of Texas Grievance Committee, District No. 4, File No. H0109819424-W. The attorney for the law firm of McGlinchey Stafford, a power within the RICO Act organization State Bar of Texas, was Mr. Daniel C. Pappas, Mr. Wess Tribble and Mr. Mark Sanders.

26. Daniel C. Pappas was representing Bill Heard Chevrolet in a case being handled on the other side by James D. Farmer, attorney at law and plaintiff William, for one Roberto F. Valdez. Daniel C. Pappas and William got into a

heated debate over the issue of the unauthorized practice of law after which a complaint was filed against Farmer. Daniel C. Pappas was also the past chair of the Harris County UPL committee. Daniel C. Pappas filed the alleged complaint with defendant Lehmann of the defendant Unauthorized Practice of Law Committee RICO Act organization.

27. On January 28, 1999, William and Farmer appeared for a hearing on the charge of "failing to properly supervise an employee." Counsel for McGlinchey Stafford attorneys were also present with the Bill Heard files and the witness/manager for Bill Heard Chevrolet however, the attorneys for McGlinchey Stafford claimed when ask, they never received notice of the hearing at the SBOT meeting that day, they just happened to be in the neighborhood with the Bill Heard vs. Roberto F. Valdez case in hand and their witness Mr. Shean Sullivan the Manager of Bill heard Chevrolet. Moreover, no one could find whom actually filed or admitted to filing any complaint, and the action was dropped. Once again, the State Bar of Texas RICO Act organization had engaged in an attack on William, this time through his employer, and had allowed the action to just "go away" without William getting his day in court.

28. One other thing to note of importance was that the attorneys for the law firm of McGlinchey Stafford, one of

the powers within the RICO Act organization State Bar of Texas, made an agreement with Mr. James D. Farmer on the record that Mr. Daniel C. Pappas, Mr. Wess Tribble and Mr. Mark Sanders would not make an issue of William working on the Valdez Case for Mr. Farmer. However, Mr. Wess Tribble and Mr. Mark Sanders secured perjured testimony in the attempt to produce an action against plaintiff William. This testimony was given in a hearing before the 268th Judicial District court of Fort Bend County, Texas, in the Bill Heard Case. The general manager for defendant Bill Heard testified that his lawyers, Mr. Wess Tribble and Mr. Mark Sanders, told him to put into his testimony that James D. Farmer had been to his dealership; in fact Farmer had not been to the dealership, in this way Mr. Wess Tribble and Mr. Mark Sanders could claim William was holding himself out to be Farmer, an Attorney at Law. This perjured testimony was apparently designed to make it appear that William had engaged in the unauthorized practice of law.

History-Episode 3

29. On July 22, 1999, defendant UPL contacted plaintiff William concerning his work on the Valdez v. Heard case. A hearing at the UPL committee location, South Texas Collage of Law, 1303 San Jacinto, Room 314, on August 17, 1999 at 1:15 p.m., was scheduled.

30. William appeared at the meeting as requested, on August 17, 1999. After the meeting, the UPL did nothing further. No action was taken and no letter of any kind was sent to William stating that a disposition had been effected. Another instance of harassment on the part of the Supreme Court of Texas and their agents the Unauthorized Practice of Law Committee in concert with the State Bar of Texas Association.

History-Episode 4

31. On March 15, 2001, UPL committee held another hearing concerning plaintiff William charging William with, once again, the unauthorized practice of law. As a witness, the UPL brought forth a Mr. William Mills, who testified that plaintiff William had held himself out as an attorney. Farmer, also a member of the RICO Act organization State Bar of Texas, testified that all monies had been given to him by his employee, plaintiff William.

32. No other action was taken on this matter either, and both plaintiff William and Farmer believed that the matter had again just "gone away." However, it was not so as Episode 5 will show.

History-Episode 5

33. On January 31, 2002, defendants Gamble and Clyne met in secret and adjudicated plaintiff to be guilty of the

unauthorized practice of law, related to the aforementioned dealings with William Mills. After the ex-parte adjudication, defendant Gamble signed a temporary injunction against William prohibiting such actions defined as the unauthorized practice of law; under Rule 5.05 which itself is undefined and could mean traveling in a car or wearing a suit.

34. On February 9, 2002, plaintiff William was served with notice that an action had been filed against him in defendant Gamble's court. William appeared for a hearing on February 15, without yet coming into the knowledge of the ex-parte action, which had taken place two weeks earlier. Defendants Gamble and Clyne are both members of the RICO Act organization, the State Bar of Texas and Clyne is a member or agent of the UPL.

35. Since Gamble had a case before the Supreme Court of Texas, who was the plaintiff in the case against William before Gamble, William asked that Gamble recuse himself, to which Gamble refused. Judge Stansbury, also a member of the State Bar of Texas, upheld Gamble's refusal to recuse, after which Gamble issued the temporary injunction—the injunction which had already been issued 9 days prior to William's being served!

36. During the "injunction hearing" defendant Clyne called William Mills to the stand, who then perjured himself

stating that plaintiff William had held himself out as an attorney. William Mills brother, Charlie Mills, was called to the stand. Charlie Mills was the one who had introduced plaintiff William to William Mills. Charlie Mills testified that plaintiff William had not held himself out as an attorney and that Charlie Mills himself had explicitly told his brother, William Mills, that William was not an attorney.

37. For the second time the RICO Act organization, the State Bar of Texas and UPL, had suborned perjury in an attempt to "get" William in accordance with its statement in the October 1998 State Bar of Texas "Update." Gamble issued the temporary injunction which prevented William from working to this very date, over 8 months. William works in the legal profession, however, because of Rule 5.05 of Texas Government Code, Unauthorized Practice of Law 5.05 (2) States:

Neither statutory nor judicial definitions offer **clear guidelines** as to what constitutes the practice of law or the unauthorized practice of law. All too frequently, the definitions are so broad as to be **meaningless** and amount to little more than the statement that "the practice of law" is merely whatever lawyers do or are traditionally understood to do."

William cannot possibly work to support his family of 6 under this type of widget.

Other Pertinent Facts

38. Plaintiff William filed for the office of Chief Justice, Supreme Court of Texas, on December 31, 2001. Up to that date, all other actions by the UPL had just "gone away." However, that was all to change.

39. Kathy Holder, allegedly the clerk for Chief Justice (and defendant in this case) Phillips and also in the office of the Director of Admissions for the State Bar of Texas, contacted plaintiff William, on or about January 10, allegedly for the purpose of conducting a poll for the State Bar of Texas. A recorded conversation ensued with Ms. Holder in which she was informed that William was not a member of the Bar and that he was not required to be one despite the Amendment which seemed to preclude William's run for office.

40. At the close of that conversation, Holder informed William that she would make sure that William was not on the ballot in November. Within three weeks of that conversation, the ex-parte hearing was conducted between defendants Gamble and Clyne, unconstitutional adjudication of William before William was ever served with a copy of

the Original Petition or given Notice of hearing. The Defendant's Gamble and Clyne in concert with the State Bar of Texas, the Supreme Court of Texas, the Unauthorized Practice of Law Committee all conspired a lie stating in the Temporary Injunction Order of February 1st, 2002, that William was at the hearing with his lawyer, when in fact William never had counsel in the case and was in fact NOT at any hearing.

41. Another pertinent fact is that the UPL members made defendants in this suit have contacted other State Bar members, and outsiders, for the purpose of securing assistance in leveling attacks on plaintiff William so that he cannot adequately function or respond to any of the cases. Defendant Greenberg was contacted directly by defendants Flores and Clyne. Defendant Flores was contacted by defendant Clyne and possibly Lehmann. These "contacts" were for the purpose of instigating attacks on plaintiff William from a multitude of directions to which William would be forced to answer, thus diluting his ability to adequately answer each charge.

42. Defendant Phillips even got in on the act by securing a last-minute writ of mandamus, almost word for word as the Flores Petition, ("Who is this Flores person", Judge Gilmore asks at our conference hearing? Both Flores and Phillips Petitions filed with the Supreme Court of Texas

were almost word for word and the evidence used was the same. Any honest English teacher would have failed them both for coping from one another.), forcing the Libertarian Party State Chairman, David DeLamar, to issue an administrative declaration of ineligibility against William. William is now forced to defend this action in state court but the actions taken by Phillips and others were directly related to the issues, which were already before this honorable Court. The Writ of Mandamus should be enjoined by this court due to this court already having jurisdiction as of June 7th, 2002, of the matters pertinent to the request for mandamus.

43. By this action, Defendants have not only usurped William's Right to run for the office of Chief Justice, Supreme Court of Texas, but have also usurped the Right of all Texans to vote for the candidate of their choice, and who is not a member of the Rico Act organization SBOT.

44. It is anticipated that more such actions will be brought against both plaintiffs if this court does not step in to halt the State Bar of Texas and its agents from mounting attacks on plaintiffs. These attacks deliberately challenge the jurisdiction of this court, which brings those actions within the exception found in the Anti-Injunction Act. The exception to the Act is that the court

may issue any injunction "...where necessary in aid of its jurisdiction..."

45. In order to adequately prosecute this action against the RICO Act organization, SBOT and UPL, and all of the other defendants, plaintiffs need the intervention of this court. Plaintiffs are oppressed by the actions of defendants, which are endangering plaintiffs' ability to make their case before this court.

PRAYER

46. Therefore, plaintiffs respectfully pray that the court would enjoin all SBOT and UPL members from any further action on any case pending the outcome of this action, which could find all of those actions illegal RICO Act violations. Moreover, plaintiffs pray that the court would enjoin any new actions by defendants SBOT and UPL, or any of their agents or employees within the agencies of the State of Texas.

Royce E. Mitchell, Jr.,
Pro Se

Respectfully submitted,

Clifford F. William,
Pro Se

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Plaintiffs

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GWYN SHEA, et al,
Defendants.

§

CERTIFICATE OF SERVICE

I hereby certify that I delivered a copy of Plaintiff William's responds to State Bar of Texas Association opposition to plaintiff William's request for protective order via certified mail, return receipt requested, on October 21th, 2002, to the following counsel for defendants:

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