

ELECTRONICALLY FILED
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CLERK OF THE BUTLER COUNTY DISTRICT COURT
CASE NUMBER: 2019-MV-000009



Court: Butler County District Court
Case Number: 2019-MV-000009
Case Title: Administrative Order 19-01 vs. no defendant
Type: Order Imposing Filing Restrictions on Anthony L. David (KDOC #6598)

SO ORDERED.

A handwritten signature in black ink, appearing to read "D. Ricke", is centered on a light gray rectangular background.

/s/ Honorable David Ricke, District Court Judge

IN THE THIRTEENTH JUDICIAL DISTRICT COURT
STATE OF KANSAS

Administrative Order 19 – 01

ORDER IMPOSING FILING RESTRICTIONS
ON ANTHONY L. DAVIS (KDOC #6598)

Counsel for the Kansas Department of Corrections has requested that this court enter an order imposing filing restrictions on Anthony L. Davis as an abusive litigant and has filed a motion in case no. 2018CV126 in support of such request.

The court finds that since 2015, plaintiff has filed approximately eleven civil lawsuits in Butler County against the Kansas Department of Corrections, its agents or employees. In pending case 2018CV126, he seeks to sue the correctional officer that he was criminally convicted for battering (2016CR621, Butler County). Plaintiff is abusing the judicial system with countless meritless lawsuits and creating an undue burden on the KDOC. All eleven suits have been terminated in favor of the KDOC. Three of those suits were appealed to the Kansas Court of Appeals, and all were affirmed in favor of KDOC. This amounts to fourteen meritless cases the KDOC was required to defend against this plaintiff in the last four years.

The court understands that it is important for Davis to have access to the courts for any legitimate claim he may have in the future, but Davis has abused the system in such a way that filing restrictions need to be imposed against Davis.

The court recognizes that restrictions on a person's right to access to the court must be carefully drawn and not be unnecessarily restrictive. With that in mind, this court now imposes the following filing restrictions on Anthony L. Davis:

1. Davis must file an application for leave to file a petition or pleading, excluding a notice of appeal.
2. Davis must attach a copy of this Order Imposing Filing Restrictions as the first item of the document, regardless of the county of venue where Davis seeks to file.

3. Davis must include a copy of the proposed petition or pleading, a list of all lawsuits pending or previously filed with the court or any other Kansas court involving the same claims or parties, and disposition of same if possible, all outstanding filing injunctions, and a notarized statement of his prison account.
4. Davis must include a notarized affidavit certifying that the claims have not been previously asserted, the claims are not frivolous or made in bad faith, and the claims comply with all civil and appellate procedures and rules.
5. The chief judge, or the chief judge's designee, will then determine if the petition or pleading is lacking in merit, is duplicative, or is frivolous. If the petition or pleading is found to comply with the above requirements and is not lacking in merit, is not duplicative, and is not frivolous, then plaintiff Davis will be granted leave to file it.

These restrictions are appropriately tailored to Davis' particular abusive filings and would cure the issues raised by them without acting as a blanket prohibition on his right of access to the courts. These restrictions, as imposed against Patrick Lynn, were not only upheld by the Court of Appeals on appeal, but also pointed to as an example of reasonable filing restrictions by the Supreme Court of Kansas. St. ex rel Stovall v. Lynn, 26 Kan.App.2d 79 (1999); see also Holt v. State, 290 Kan. 491, 501 (2010).

This order imposing filing restrictions shall be effective as of the date and time as reflected by the electronic file stamp.

David A. Ricke
Chief Judge, 13th Judicial District
Butler, Greenwood and Elk Counties
State of Kansas

CERTIFICATE OF MAILING

The undersigned certifies that on the 22nd day of January, 2019 a true and correct copy of the above and foregoing Order Imposing Filing Restrictions on Anthony L. Davis was mailed, postage pre-paid through the United States mail to Joni Cole, El Dorado Correctional Facility, PO Box 311, El Dorado, KS 67042, and to Anthony L. Davis #6598, Hutchinson Correctional Facility, PO Box 1568, Hutchinson, KS 67504.

Elizabeth Garcia
Administrative Assistant