

DENY and Opinion Filed August 3, 2021



**In The
Court of Appeals
Fifth District of Texas at Dallas**

No. 05-21-00155-CV

IN RE JAY SANDON COOPER, Relator

**On Appeal from the 470th Judicial District Court
Collin County, Texas
Trial Court Cause No.**

MEMORANDUM OPINION

Before Justices Molberg, Reichek, and Smith
Opinion by Justice Molberg

Relator, Jay Sandon Cooper, is a vexatious litigant subject to a prefiling order that requires him to obtain permission from the local administrative judge (LAJ) prior to filing any new litigation. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 11.101. Under section 11.102 of the vexatious litigant statute, an LAJ may determine whether to grant permission with or without a hearing. *See id.* § 11.102(c). In this mandamus proceeding, authorized under section 11.102(f), Cooper complains of the local administrative district judge (LADJ)'s order denying, without hearing, his request for permission to file suit against the Bank of New York Mellon, Ocwen Loan Servicing, and several others for allegedly filing a fraudulent lien or "claim

against [his] property.” *See id.* § 11.102(f). Cooper maintains an LAJ may only grant, not deny, permission to file without a hearing.

To succeed on mandamus, a vexatious litigant complaining of the LAJ’s order denying permission to file must demonstrate the LAJ clearly abused her discretion. *See Walker v. Packer*, 827 S.W.2d 833, 839 (Tex. 1992) (orig. proceeding); *In re Cooper*, 05-19-00549-CV, 2019 WL 2211085, at *1 (Tex. App.—Dallas May 22, 2019, orig. proceeding) (mem. op.). We conclude Cooper has failed to demonstrate the LADJ here did so. *See CIV. PRAC. & REM. CODE* § 11.102(c); *In re Cooper*, 2019 WL 2211085, at *1. Accordingly, we deny his mandamus petition. *See TEX. R. APP. P.* 52.8(a).

/Ken Molberg/

KEN MOLBERG
JUSTICE

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