

CAUSE NO. 024601

MICHAEL ASIBEY OSEI,
Plaintiff,

v.

FAITH JOHNSON, et al.,
Defendants.

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IN THE DISTRICT COURT

JONES COUNTY, TEXAS

259TH JUDICIAL DISTRICT

**ORDER DECLARING MICHAEL ASIBEI OSEI, A VEXATIOUS LITIGANT
PURSUANT TO TEX. CIV PRAC. & REM CODE §11.054(2)(A) AND (B)**

Before this Court came to be considered defendant, Jason Kelley's motions to declare Michael Asibey Osei a vexatious litigant pursuant to Tex. Civ. Prac. & Rem. Code § 11.054(1)(A) and (2)(A), (B). The Court has reviewed the pleadings, the Motion to Dismiss and applicable authority, and concludes Defendant's Motion should be and is GRANTED.

The Court finds that the allegations in Plaintiff's Petition do not set forth sufficient facts to support setting aside Osei's convictions and sentences for aggravated robbery or aggravated assault on a public servant or to order his release, as he requests in his Petition at ¶¶ 12-13, 39-40. The Court, on July 15, 2019, dismissed Osei's claim against Sgt. Jason Kelley, claiming theft of Osei's UCC form book and claims for violation of due process under federal or state law and also dismissed Osei's suit against Judge Earnest White, claiming that Judge White had unlawfully imprisoned him. The Court found and finds that Plaintiff's claims have no arguable basis in law within the meaning of Tex. R. Civ. P. 9a.1, and that there was not a reasonable probability that the plaintiff would prevail in the litigation against Sgt. Jason Kelley or Judge Earnest White.

The Court further finds that Michael Asibey Osei, in the seven-year period immediately preceding the date the defendant makes the motion under Section 11.051, 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 within the meaning of Tex. Civ. Prac. & Rem. Code § 11.054(1)(A).

The Court further finds that after Osei's litigation, through appeals, petitions for writ of habeas corpus, mandamus and for discretionary review, including a suit substantially identical to the present suit has been finally determined against him Osei attempted to relitigates the adverse findings in the present action. Specifically, the Court finds that in the case at bar, Osei sought to relitigate the validity of the determination against the same defendant as to whom the litigation was finally determined, or to relitigate the previous, claim, 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 as specified by (B). The Court concludes that the following previous litigation meets the requirements of Tex. Civ. Prac. & Rem. Code § 11.054(1)(A) and (2)(A),(B):

1. *Osei v. State*, No. 05-03-01428-CR, 2004 WL 1879644 (Tex. App.—Dallas Aug. 24, 2004, petition for discretionary review refused) (aggravated robbery conviction affirmed)
2. *Osei v. State*, Nos. 05-04-00389-CR & 05-04-00390-CR, 2005 WL 928408 (Tex. App.—Dallas Apr. 22, 2005) (aggravated assault on a public servant conviction affirmed)
3. *Ex parte Osei*, Nos. WR-76,669-01, WR-76,669-02, WR-76,669-03, 2011 WL 5903732 (Tex. Cr. App. November 23, 2011) (directing trial court to make findings)
4. *Ex parte Osei*, Nos. WR-76,669-01, WR-76,669-02, WR-76,669-03, 2013 WL 5275917 (Tex. Crim. App. Sept. 18, 2013) (per curiam) (permitting Osei to file out of time petitions for discretionary review)
5. *Osei v. State*, PD-1387-13, PD-1388-13, & PD-1389-13 (Tex. Crim. App. Nov. 27, 2013) (petition for discretionary review, filed 11/27/13, refused)
6. *Ex parte Osei*, WR-76,669-07 (Tex. Crim. App. June 11, 2014) (petition for writ of habeas corpus denied)
7. *Ex parte Osei*, WR-76,669-08 & -09 (Tex. Crim. App. July 9, 2014) (petition for writ of habeas corpus denied)

8. *Osei v. Davis*, Nos. 3:15-CV-2855-L-BN, 3:15-CV-3291-L-BF, 3:15-CV-3292-L-BN, 2016 U.S. Dist. LEXIS 185618, 2016 WL 8669403, (N.D. Tex., Dec. 30, 2016), Report & Recommendation of dismissal adopted by the district court in *Osei v. Davis*, No. 3:15-CV-2855-L, 2017 U.S. Dist. LEXIS 50625, 2017 WL 1211330 (N.D. Tex., Apr. 3, 2017)

9. *Osei v. Johnson*, No. DC-18-13566 (68th Judicial District Court, Dallas, Feb. 28, 2019) (suit virtually identical to case at bar, non suited by plaintiff)

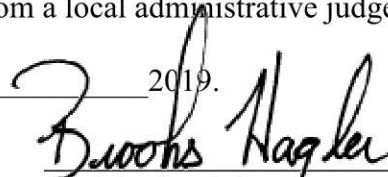
10. *Ex Parte Osei*, WR-76-669-13 (Tex. Cr. App. Feb. 6, 2019) (motion for leave to file writ of mandamus denied)

11. *Ex Parte Osei*, Tr. Ct. No. W03-48343-M(D) (Tex. Cr. App. Apr. 10, 2019) (application for writ of habeas corpus dismissed)

12. *Ex Parte Osei*, Tr. Ct. No. W03-48343-M(C) (Tex. Cr. App. Feb. 4, 2019) (application for writ of habeas corpus dismissed)

Accordingly, the Court adjudicates MICHAEL ASIBEI OSEI, to be a vexatious litigant Michael Asibey Osei a vexatious litigant pursuant to Tex. Civ. Prac. & Rem. Code § 11.054(1)(A) and(2)(A), (B). and ORDERS that he is prohibited from filing new litigation in a Texas district court, county court, county court at law court or justice of the peace court without obtaining permission from the local administrative judge. See Tex. Civ. Prac. & Rem. Code §11.102. The administrative judge will grant permission to file only if the litigation appears to have merit and may condition permission on the furnishing of security. The Court admonishes Michael Asibey Osei that, as an adjudicated vexatious litigant pursuant to Tex. Civ. Prac. & Rem. Code § 11.054(1)(A) and (2)(A), (B), that if he fails to obey this order, he may be sanctioned, found in contempt and subject to punishment. The Court ORDERS Texas District Court Clerks, County Court Clerks and Justice of the Peace clerks to refuse to file any new litigation by Michael Asibey Osei unless he first obtains written permission from a local administrative judge.

Signed this 8/13/2019 day of _____, 2019.


BROOKS HAGLER
PRESIDING JUDGE