

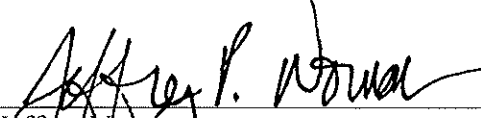


For the reasons that follow, the Court finds Osime has met his burden of showing that an order should be entered against Foran. First, Foran has had notice and opportunity to oppose the order before it is entered. The instant motion was filed and served on Foran on December 12, 2023, and he has failed to file a response to the motion. Further, the Court takes judicial notice of the extensive litigation history in Osime's motion (ECF No. 9, pp. 2-12), and the attached exhibits in support. Foran has filed two individual bankruptcy cases in the Southern District of Texas, and one chapter 11 case as principal of the debtor, Preferred Ready-Mix.<sup>3</sup> Each of the bankruptcy cases also involved adversary filings.<sup>4</sup> The evidence shows that the plaintiff has a history of harassing, duplicative, and vexatious lawsuits, as well as filing suits using other names, Lincoln Catchings and Jessica Jimenez.

Foran is seeking a judgment stating that defendants violated the stay of Section 362 and the Co-Debtor stay of 1301 by continuing litigation in the state court. He filed a similar motion in his bankruptcy case prior to filing this adversary, which was denied as seeking an advisory opinion.<sup>5</sup> The litigation at issue is an appeal in the 14<sup>th</sup> Court of Appeals, where Foran and Preferred Ready-Mix are appellees. Foran filed a Suggestion of Bankruptcy and Osime filed a response to the Suggestion of Bankruptcy. The Court finds that Foran does not have a good faith basis in bringing this adversary, and that it was filed simply to harass. The filings by Foran constitute a burden on the Court and other parties involved in the adversary case in having to file an answer, and counterclaims.

**IT IS THEREFORE ORDERED** that Robert Charles Foran, III is a Vexatious Litigant, and he is enjoined from filing any pro se litigation as Foran, Lincoln Catchings or Jessica Jimenez in the bankruptcy courts or district courts of the Southern District of Texas. This order does not prohibit attorneys licensed by the State Bar of Texas from filing suit on Foran's personal behalf.

SIGNED 01/12/2024

  
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Jeffrey Norman  
United States Bankruptcy Judge

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<sup>3</sup> Case No. 17, 30341, Chapter 7, discharged 5/22/17; Case No. 21-33369, Chapter 11 case, closed 10/12/23 and the underlying bankruptcy case 23-34134, Chapter 13 case.

<sup>4</sup> Case No. 22-0332, *Foran v. Esparza* (associated with the Chapter 7 bankruptcy case no. 17-30341), filed pro se, and dismissed after the failure of Foran to appear at a hearing on a motion to dismiss. Case No. 22-03040, *Preferred Ready-Mix, LLC v. Berleth, et al* (associated with the Chapter 11 bankruptcy case 21-33369; and two adversaries in this chapter 13 case, Case No. 23-03250 *Foran v. Osime et al* and Case No. 24-03002 *Texcon Ready Mix v. Foran*.

<sup>5</sup> Case No. 23-34134, ECF Nos. 27 and 34.