

**ENTERED**

December 04, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
MCALLEN DIVISION

GUERRA & MOORE, LTD., LLP, <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO. 7:11-CV-00299
	§	
MARCO A. CANTU, <i>et al.</i> ,	§	
	§	
Defendants.	§	

**ORDER GRANTING PLAINTIFF’S MOTION TO DECLARE  
DEFENDANT MARCO A. CANTU A VEXATIOUS LITIGANT**

Now before the Court is Plaintiff’s Motion to Declare Defendant Marco A. Cantu a Vexatious Litigant [Dkt. 517], which asks the Court to impose a prefiling injunction against Cantu prohibiting him from filing any litigation in any state or federal court against Plaintiff or its attorney-employees without first obtaining permission from the Court. Plaintiff further requests that this prefiling injunction extend to Cantu’s wife, children, and anyone else acting in concert with Cantu. *Id.* After reviewing Plaintiff’s Motion, Cantu’s response [Dkt. 520], and the relevant law, the Court finds that Plaintiff’s Motion should be **GRANTED**.

District courts have the authority to issue prefiling injunctions to “deter vexatious, abusive, and harassing litigation.” *Baum v. Blue Moon Ventures, LLC*, 513 F.3d 181, 187 (5th Cir. 2008); *Montes v. Tibbs*, No. 24-20135, 2024 WL 3842570, at \*3 (5th Cir. Aug. 16, 2024); *see also Harrelson v. United States*, 613 F.2d 114, 116 (5th Cir. 1980) (per curiam) (“A litigious plaintiff pressing a frivolous claim, though rarely succeeding on the merits, can be extremely costly to the defendant and can waste an inordinate amount of court time.”). The prefiling injunction must be narrowly tailored to “protect the courts and innocent parties, while preserving the legitimate rights of litigants.” *Baum*, 513 F.3d at 187. The Court must weight all relevant circumstances when

assessing whether to enjoin future filings, including four particular factors: “(1) the party’s history of litigation, in particular whether he has filed vexatious, harassing, or duplicative lawsuits; (2) whether the party had a good faith basis for pursuing the litigation, or simply intended to harass; (3) the extent of the burden on the courts and other parties resulting from the party’s filings; and (4) the adequacy of alternative sanctions.” *Id.* at 189; *see also Carroll v. Abide (In re Carroll)*, 850 F.3d 811, 815 (5th Cir. 2017) (per curiam).

Plaintiff has set forth a detailed and thorough accounting of its involvement with Cantu, which has included seven actions in the Southern District of Texas, one action in the Western District of Texas, and myriad appeals and/or mandamus actions in district court and/or before the Fifth Circuit. [Dkt. 517, ¶1] Cantu has been wholly unsuccessful in obtaining any relief. *Id.*

Cantu responds to Plaintiff’s Motion by treating it like an answer, admitting and/or denying the allegations in each of the Motion’s paragraphs. [Dkt. 520] Although Cantu makes certain denials, he does not deny that he has filed eight different, yet duplicative, lawsuits against Plaintiff or its attorneys in the last seven years, nor does he deny that these suits are attempts “to recycle and re-litigate claims which have been repeatedly rejected.” [Dkt. 520; Dkt. 517, ¶3] Moreover, Cantu does not deny that he “does not pay monetary sanctions.” [Dkt. 517, ¶3] Rather than refuting Plaintiff’s allegations that the four vexatious litigant factors have been satisfied, Cantu makes two wholly unpersuasive arguments, the first dealing with state court deadlines and the second dealing with *sua sponte* rulings. [Dkt. 520, ¶¶7-10] Neither is applicable to the instant case. As monetary sanctions are evidently insufficient to curb Cantu’s vexatious behavior, this Court finds that a pre-filing injunction is warranted. The Court finds Cantu is a vexatious litigant.

Marco A. Cantu is hereby **DECLARED** a vexatious litigant in the Southern District of Texas. He is **ENJOINED** from filing, in any state or federal court in Texas, any further lawsuits against Guerra & Moore, Ltd., LLP and/or its attorneys, including J. Michael Moore, Carlos L.

Guerra, and David J. Lumber, any Judge and any family member of any such persons, unless Cantu first obtains permission from the court where he wishes to file suit. Furthermore, should Cantu seek that permission, he must provide a copy of this Order and must post a security bond, upon filing of any litigation, sufficiently large to indemnify the defendants against litigation costs, including attorneys fees. This injunction shall extend to Cantu's wife and children, to any corporation or business in which Cantu has any substantial ownership interest, and to anyone else acting in concert with or at the direction of Cantu.

SO ORDERED December 4, 2024, at McAllen, Texas.

A handwritten signature in black ink that reads "Randy Crane". The signature is written in a cursive style with a horizontal line underneath the name.

Randy Crane  
Chief United States District Judge