

APPENDICES

Appendix A – 9/27/2019 No 4:18-cv-00610.....1a-6a
US Eastern District Court of Texas issued Order
Vexatious Litigant/Prefiling

Appendix B – 3/2/2020 No 19-40914.....7a-50a
Interlocutory Appeal to the 5th Circuit on Vexatious
Litigant order

Appendix C - 8/13/2021 No 19-40914.....51a-53a
5th Circuit issued Order on Vexatious Litigant

Appendix D - 9/23/2021 No 19-40914.....54s-57s
Appellants Motion for Clarification to 5th Circuit

Appendix E - 10/12/2021 No 19-40914.....58a
5th Circuit Order issued DENIED, no opinion

Appendix A – 1a

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS SHERMAN DIVISION

WANDA L. BOWLING, §
Plaintiff, §
§
v. § CIVIL ACTION NO.
LESTER JOHN § 4:18-CV-610-
DAHLHEIMER JR., § ALMCAN
ET AL, §
Defendants §
§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On August 9, 2019, the report of the Magistrate Judge (Dkt. #129) was entered containing proposed findings of fact and recommendations that Defendant District Attorney Greg Willis's Motion for Sanctions and to Declare Plaintiff a Vexatious Litigant ("Motion") (Dkt. #56), Supplement (Dkt. #94), and Second Supplement (Dkt. #120) be granted in part and denied in part. Having received the report of the Magistrate Judge, having considered Plaintiffs Objection (Dkt. #136), Defendant's Response (Dkt. #144), and having

2a

conducted a de novo review, the Court is of the opinion that the Magistrate Judge's report should be adopted.

RELEVANT BACKGROUND

The facts are set out in further detail by the Magistrate Judge and need not be repeated.¹ On October 31, 2019, DA Willis filed the present Motion, seeking monetary sanctions, a pre-filing injunction against Plaintiff, and that Plaintiff be declared a vexatious litigant (Dkt. #56 at pp. 7-11). Thereafter, DA Willis twice supplemented his Motion. On August 9, 2019, the Magistrate Judge recommended denying the bulk of the relief requested by DA Willis, but after discussion determined that a very limited and narrow pre-filing injunction was warranted, requiring Plaintiff to obtain leave of court before "filing in, or removing to, the Eastern District of Texas the case *Bowling v. Dahlheimer*, Case No. 469-51274-2015 in the 469th Judicial District Court in Collin County (the "Divorce Proceeding") or any civil action (including any enforcement proceedings) related to the divorce proceedings between Plaintiff and Defendant John Dahlheimer, Jr." (Dkt. #129). Plaintiff filed Objections to the report on September 9, 2019 (Dkt. #136). On September 16, 2019, Defendants filed a Response to Plaintiffs Objections (Dkt. #144).

¹ Plaintiff makes several objections to the factual background in the Report (Dkt. #136 at pp. 1-3); upon independent review, the Court finds Plaintiffs objections to be unfounded and/or irrelevant. Plaintiffs objections related to the factual recitation contained in the report are overruled.

OBJECTIONS TO REPORT AND RECOMMENDATION

A party who files timely written objections to a magistrate judge's report and recommendation is entitled to a de nova review of those findings or recommendations to which the party specifically objects. 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2)-(3). Plaintiff objects to the Court's authority to impose a pre-filing injunction (Dkt. #136). More specifically, Plaintiff objects to the recommended sanction on the grounds that the "[d]ivorce [p]roceedings are over" and therefore the court lacks jurisdiction to impose "ANY requirement between Plaintiff and another Defendant other than [DA] Willis." Further, Plaintiff contends that such an imposition would be a constitutional violation (Dkt. #136 at p. 2). Defendant DA Willis responds that the Court may properly impose such sanctions, and further advocates that, if anything, the Magistrate Judge's recommendation was too lenient (Dkt. #144).

The Court has authority to impose sanctions to "deter baseless filings in district court" and "spare innocent parties and overburdened courts from the filing of frivolous lawsuits." *Cooter & Gell v. Hartmarx Corp.*, 469 U.S. 384, 393 (1990). The Court similarly has a duty to impose the least severe sanctions adequate to deter similar conduct in the future. See *Mendoza v. Lynaugh*, 989 F.2d 191, 196 (5th Cir. 1993); FED. R. CIV. P. 11(c)(1). Moreover, to Plaintiffs constitutional concern, "imposition of a Rule 11 sanction is not a judgment on the merits of an action. Rather, it requires the determination of a collateral issue: whether the [party] has abused the judicial process, and, if so, what sanction would be

4a

appropriate.' Such an order implicates no constitutional concern because it 'does not signify a district court's assessment of the legal merits of the complaint.'" *Willy v. Coastal Corp.*, 503 U.S. 131, 138 (1992) (citing *Cooter & Gell*, 496 U.S. at 395-96.) (internal citations omitted). "[T]here is no constitutional infirmity under Article III in requiring those practicing before the courts to conduct themselves in compliance with the applicable procedural rules ... and to allow the courts to impose Rule 11 sanctions in the event of their failure to do so." *Id.* at 139.

Here, the Magistrate Judge determined that monetary sanctions were not appropriate but that a limited pre-filing injunction was warranted due to Plaintiffs "disregard of the lack of any legitimate, legal claim against DA Willis" and lack of any good-faith argument in support thereof, as well as "an emerging pattern and/or course of conduct intended to disrupt or delay the state court's consideration of certain matters in the underlying divorce proceeding" (Dkt. #129 at pp. 6- 7). It is apparent from the record(s) that Plaintiff has repeatedly attempted to remove her divorce proceeding to this Court. Plaintiff has now filed and/or otherwise initiated three separate cases in federal court related to her divorce in the past year. See Cause Nos. 4:18-cv-610; 4:19-cv-144; 4:19-cv-22. Additionally, Plaintiffs objection evinces her possible misunderstanding of the sanction being imposed (Dkt. #136 at p. 2). Without leave of court, Plaintiff is prohibited from further filing in, or removing to, this Court any civil action related to her state court divorce proceedings. The pre-filing injunction is not specific to any defendant,

5a

rather it is specific to this Court, and to Plaintiffs state court divorce proceeding. Plaintiffs Objection is overruled.

CONCLUSION

Having considered Plaintiffs Objection (Dkt. #136), Defendant's Response (Dkt. #144) and having conducted a de novo review, the Court adopts the Magistrate Judge's report (Dkt. # 129) as the findings and conclusions of the Court.

It is, therefore, ORDERED that Defendant District Attorney Greg Willis's Motion for Sanctions and to Declare Plaintiff a Vexatious Litigant (Dkt. #56), Supplement (Dkt. #94), and Second Supplement (Dkt. #120) are GRANTED IN PART AND DENIED IN PART as set forth herein. Specifically, Plaintiff shall be enjoined from future filings in this District as follows:

Plaintiff is prohibited from filing in or removing to, the Eastern District of Texas the case Bowling v. Dahlheimer, Case No. 469-51274-2015 in the 469th Judicial District Court in Collin County (the "Divorce Proceeding") or any civil action (including any enforcement proceedings) related to the divorce proceedings between Plaintiff and Defendant John Dahlheimer, Jr., without leave of court.

Plaintiff shall be required to obtain leave of court from an active Eastern District of Texas Judge assigned to the division in which the case will be filed, or the Chief Judge of the Eastern District of Texas. Plaintiff must file a written motion requesting leave of court and attach to the motion for leave

6a

copies of (1) the proposed complaint; (2) a copy of the Magistrate Judge's Report and Recommendation; and (3) this Memo Adopting. This pre-filing injunction is not intended to and shall not apply to any current or pending matters before the Eastern District of Texas but shall only be applicable to future cases.

IT IS SO ORDERED.

SIGNED this 27th day of September, 2019.

Amos L. Mazzant

Amos L. Mazzant

UNITED STATES DISTRICT JUDGE

7a
Appendix B

No. 19-40914
IN THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT

WANDA BOWLING
Plaintiff - Appellant
vs.
GREG WILLIS, in his official and individual
capacity,
Defendant - Appellee

Interlocutory Appeal
from the United States District Court Eastern
District of Texas, Case No. 4:19-CV-610

BRIEF OF APPELLANT

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NO ORAL ARGUMENT REQUESTED

8a

CERTIFICATE OF INTERESTED PERSONS
No. 19-40914

WANDA BOWLING,
Plaintiff - Appellant

v.

**GREG WILLIS, in his Official and Individual
Capacity,**
Defendants - Appellees

The undersigned counsel of record certifies that the following listed persons and entities listed in the fourth sentence of 5th Cir. Rule 28.2.1. have an interest in the outcome of this case. These representations are made in order that the Judges of this Court may evaluate possible disqualification or recusal:

1. US Magistrate Judge Christine Nowak: US Eastern District Court Magistrate Judge for above case.
2. US Judge Amos Mazzant: US Easter District Court Judge for above case
3. Greg Willis, Defendant
4. Robert Davis, Attorney for Greg Willis

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9a

TABLE OF CONTENTS

CERTIFICATE OF INTERESTED PERSONS.....	2
TABLE OF CONTENTS.....	4
TABLE OF AUTHORITIES.....	5
INTRODUCTION.....	8
JURISDICTIONAL STATEMENT	8
STATEMENT OF ISSUES FOR REVIEW.....	10
STATEMENT OF CASE	11
SUMMARY OF ARGUMENT.....	24
ARGUMENT.....	27
First Issue:Wrongly Declared Vexatious litigant....	27
The “Numerous” Element.....	27
The “Merit” Element.....	31
Second Issue:Wrongly issued a	
Prefiling Injunction.....	43
Absent the Vexatious Litigant justification.....	43
Absent of the Threshold of a	
Prefiling Injunction.....	43
Third Issue: Unconstitutional use of a	
Prefiling Injunction.....	49
CONCLUSION AND PRAYER.....	51
CERTIFICATE OF COMPLIANCE.....	52
CERTIFICATE OF SERVICE	53

10a
TABLE OF AUTHORITIES

Cases

All Writs Act 28 U.S.C. § 1651(a) (2000).....	45,46
<i>Armstrong v. Koury Corp.</i> , 2000 U.S. App. LEXIS at *2.....	46
<i>Bernard v. County of Suffolk</i> , 356 F.3d 495, 504.....	36
<i>Chambers v. Nasco</i> 501 U.S. at 44.....	28
<i>Chambers v. Nasco, Inc.</i> , 501 U.S. 32, 43-46 (1991).....	27
<i>Cohen v. Beneficial Indus. Loan Corp.</i> , 337 U.S. 541 (1949).....	9
<i>Cromer v. Kraft Foods</i> 390 F.3d at 819.....	47
<i>Ezell v. Dan River, Inc.</i> , 2002 WL at *5	46
<i>Fink v. Gomez</i> , 239 F.3d 989, 991 (9th Cir. 2001).....	27
<i>Fink v. Gomez</i> , 239 F.3d at 993-994.....	28,32
<i>Imbler v. Pachtman</i> , 424 U.S. 409 (1976).....	39
<i>Imbler v. Pachtman</i> , 424 U.S. 409, 410 (1976).....	39
<i>Moy v. United States</i> , 906 F.2d 467, 470 (9th Cir. 1990).....	28
<i>Payman v. Mirza</i> 2005 U.S. Dist. LEXIS at *13.....	48

11a

<i>Payman v. Mirza</i> , Nos. 2:02cv23, 2:02cv35, 2005 U.S. Dist. LEXIS 14262, *8 (W.D. Va. July 18, 2005).....	45
<i>Pep Boys</i> , 2005 U.S. Dist. LEXIS at *23-24	46
<i>Roadway Express, Inc. v. Piper</i> , 447 U.S. 752, 766 (1980).....	27
<i>Tinsley v. More Bus. Forms, Inc.</i> , No. 93- 2086, 1994 U.S. App. LEXIS 14208, *5 (4th Cir. June 9, 1994).....	46
<i>United States v. Brugnara</i> , 856 F.3d 1198, 1209 (9th Cir. 2017).....	42
<i>United States v. Dudley</i> , 804 F.3d 506, 520 (1st Cir. 2015).....	42

Statutes & Rules

18 Crimes and Criminal Procedures Code.....	11
18 U.S. Code § 1623. False declarations before grand jury or court.....	36
28 U.S C. §1331 Federal Question.....	8
28 U.S. Code § 1292 Interlocutory Decisions....	9
28 U.S. Code § 1343 - Civil rights and elective franchise.....	8
28 U.S. Code § 1356 - Seizures not within admiralty and maritime jurisdiction.....	8
28 U.S. Code § 1367 - Supplemental jurisdiction.....	8
28, U.S.C. § 754 Receivers of Property in Different Districts.....	8

12a	
28, U.S.C. § 959(a) Trustees and Receivers Suable.....	8
42 United States Code 1983 Civil Action for Deprivation of Rights.....	8
42 United States Code 1985 Conspiracy to Interfere with Civil Rights....	8
Texas Civil Practice & Remedies Code Chapter 11. 054 Criteria for Finding Plaintiff a Vexatious Litigant.....	29

13a
INTRODUCTION

TO THE HONORABLE COURT OF APPEALS: COMES NOW, WANDA BOWLING, files this Brief challenging the Memorandum Adopting Report and Recommendation of the United States Magistrate Judge, a prefilng injunction(ROA.1519-1522), by the United States District Court for the Eastern District of Texas, Sherman Division, in Cause No. 4:18-cv-00610, the Honorable Amos Mazzant, United States District Judge, presiding.

JURISDICTIONAL STATEMENT

Wanda Bowling, Appellant, brought this case to the US Eastern District Court of Texas under subject matter pursuant to Title 42 United States Code 1983 Civil Action for Deprivation of Rights, Title 42 United States Code 1985 Conspiracy to Interfere with Civil Rights, 28 U.S. Code § 1356 - Seizures not within admiralty and maritime jurisdiction, 28 U.S. Code § 1343 - Civil rights and elective franchise, 28 U.S. Code § 1367 - Supplemental jurisdiction and Title 28, U.S.C. § 754 and 959(a) Trustees and Receivers, and the overarching 28 U.S C. §1331 Federal Question. (ROA.22)(First Amended Complaint p.2: designated for ROA/omitted)(Second Amended ROA.1417-1418)

The US District Court of Texas abused their discretion on multiple fronts, but the subject matter for this interlocutory appeal is the wrongful issuance of a sanction requested by Greg Willis, Collin County District Attorney, against Bowling. This sanction serves as a prefilng injunction. The US District's Memorandum Adopting Report and Recommendation of the United States Magistrate Judge(ROA.1519-

14a

1522), sanction against Bowling, is immediately appealable under 28 U.S. Code § 1292 Interlocutory Decisions and the Collateral-Order Doctrine see, Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541 (1949) Bowling appeals this prefiling injunction based on abuse of discretion and it's lack of constitutional foundation, violating State and Federal Law.

The Memorandum Adopting Report and Recommendation of the United State Magistrate Judge of sanction, prefiling injunction, (ROA.1519-1522) was issued by the US District Court of Texas on 9/27/2019. Bowling filed a Notice of Appeal 10/28/2019. This case was officially docketed in the US Fifth Circuit Court of Appeals on 12/3/2019. The court graciously issued an extension for Bowling's Brief to be filed timely by 2/13/2020.

STATEMENT OF ISSUES FOR REVIEW

1. First Issue: The US Federal District Court abused their discretion for issuing an Order confirming Bowling a "Vexatious Litigant".
2. Second Issue: The US Federal District Court, in the same order, abused their discretion by issuing a sanction against Bowling, a prefiling injunction.
3. Third Issue: The US Federal District is currently abusing their discretion by declining to rule on previously filed Motions for Reconsideration under Rule 60 and a Second Amended Complaint using this sanction (prefiling injunction) as a retroactive shield.

15a

4. The District Court declined to respond to a Motion to Supplement the Record on Appeal.

STATEMENT OF THE CASE

The main cause of failure in the Federal District Court

The Magistrate Judge Nowak in this court is biased and prejudicial. Judge Nowak won her seat as a Federal Judge by Appellee's wife, Jill Willis, who served on the commission to appoint Nowak to the Federal bench. All of Nowak's reports and recommendations have gross errors of fact, omissions of argument.

Federal Case arising from the unconstitutional conduct from State Court Individuals in their Official and Individual Capacities

This sanction arises from a State Court case in which defendants are charged with violating several U.S. Constitutional rights. Some of the actions step on both the Texas Penal Code and the US Title 18 Crimes and Criminal Procedures Code.

The fire of corruption began when Bowling submitted a motion in the state court after discovering her former spouse had stolen separate real estate property, forged deeds, forged contracts, used her S Corporation for his business, etc. The Trial Court Judge McCraw ignored the pleading and allowed the former spouse (Dahlheimer), the new recipient of his Trust Fund, to litigate frivolously (vexatiously) cluttering up court time to conceal evidentiary support. The frivolous litigation caused

16a

Bowling to spend an unmanageable amount of money defending herself against the false claims from Dahlheimer and his vexatious attorney Paulette Mueller. Eventually the financial stress forced Bowling to proceed Pro Se.

Judge McCraw proceeded as though she could abuse her new toy court any way she wanted. McCraw's unlawful conduct was first advertised in Bowling's Motion to Recuse McCraw. McCraw's intent to abuse Bowling increased.

In the mist of McCraw's unconstitutional conduct, the District Attorney Greg Willis, conspiring with McCraw(see history below), stepped in to assist in threatening Bowling. Out of nowhere, Willis, the Collin County District Attorney charged Bowling with an outrageous accusation and tried to incarcerate her.

Timely adjacent to Willis's malicious litigation would be law enforcement, who Willis is conservator over, who would call Bowling, invite themselves into Bowling's home, and begin threatening her. This happened on multiple occasions. Bowling sent the Chief of Police, Mr. Rushin, a few still pictures of their criminal threats. Bowling has the corrupt police conduct on video cameras.

Bowling furiously defended herself in the divorce only to face a default judgment due to McCraw having the bench trial without notifying Bowling. McCraw gratifyingly handed over much of Bowling's separate property to Dahlheimer(separate property already established in previous court hearings).

After the divorce was over (July 2016) McCraw forced Bowling out of her newly purchased home

17a

which the downpayment of 100K belonged to Bowling's separate property estate. Bowling moved out and walked away waving the white flag.

Dahlheimer's response to the white flag:

Six(6) days after the Divorce was final Defendants, Dahlheimer and Paulette Mueller, vexatiously came after Bowling again trumping up false charges and tried to incarcerate her. The new lawsuit against Bowling(penniless now) was disguised as a MOTION FOR ENFORCEMENT, however, the multiple charges were false. Dahlheimer, ex-spouse, apparently didn't like Bowling's approach of peace.

Dahlheimer's attorney, Paulette Mueller, was all too happy to take Dahlheimer's newly inherited wealth to frivolously litigate. McCraw, who refused to answer Bowling's Request for Findings of Facts and Conclusions of Law, was so happy to entertain the vexatious litigation and charged heavily to assist Mueller and Dahlheimer.

Bowling saw no solution, but to escalate to the Appellate Court rather than face what Willis, McCraw, Dahlheimer and Mueller would do to her next.

Upon a long and approaching end to an Appeal, the Appellate Court conveniently lost 87 megabytes of evidentiary Trial clerk records (\$1100.00 transfer cost) originating from McCraw's Trial court and closed Bowling's case with a baseless opinion. Bowling requested the Appellate Court,

18a

Judge Evans and the Clerk of the Court, to correct the records and a requested a rehearing. Requests "DENIED".

Bowling, again, waved the white flag.

Dahlheimer's response to Bowling's white flag, again

Within approximately three weeks after the last appellate order was received, Dahlheimer and Mueller came after Bowling once again with a new lawsuit trumping up more false charges in the Trial court, Judge McCraw, who that was all too happy to oblige the vexatious litigation. The new lawsuit, again, was disguised as another MOTION FOR ENFORCEMENT.

Again, Bowling saw no solution to protect herself, but to escalate to the Federal Court. Along the journey of abuse and concealment was the Bowling's former spouse Lester Dahlheimer Jr., his attorney Paulette Mueller, Trial Judge McCraw, Greg Willis, DA, Appellate Judge Evans, Appellate Clerk of the Court, and two receivers, Herres and Penfold who stole equity, insurance proceeds, and damaged Bowling's property.

Bowling has always been in a defensive disposition. As time moved forward in the journey, more abuse occurred, more criminal actions occurred, and once exposed, unlawful concealment ensued.

A HISTORY: of Greg Willis and McCraw collusion

Greg Willis, Defendant, was nominated to the Collin County Court of Law in 2006 and subsequently ran unopposed to keep his Judgeship until 2009. Approximately, October 2009 Willis was

19a

accused of corruption by the current District Attorney's office on many fronts including taking bribes in his official position as a Judge in the Collin County Courthouse. The investigation ensued and several prosecutors were called to testify before the Grand Jury including Piper McCraw. At the time McCraw worked for the current District Attorney's office of the time. It was Piper McCraw's testimony at the Grand Jury that betrayed the current District Attorney's investigation against Willis. McCraw's testimony threw the D.A.'s entire case under the bus. Piper McCraw was immediately suspended and eventually fired from the District Attorney's office "for insubordination"(2011).

Greg Willis went on to run for the District Attorney's office of Collin County(2011) and Piper McCraw, same year(2011), endeavored to be a Judge in the Collin County 380th District Court(2011 campaigning for the 2012 term: according to the Texas Ethics Commission financial report). She did not succeed.

Interestingly, Richard Schell who currently serves as a Federal Judge in the U.S. Eastern District of Texas, administered Willis' oath to office.

In 2015, while Willis is serving as District Attorney, Piper McCraw was nominated by an unknown source and subsequently appointed by Greg Abbott as a Republican Judge in the Collin County 469th District Court.

AT THE BEGINNING: Piper McCraw's and Greg Willis's abuse of discretion

At the beginning, Bowling filed for divorce in the 219th District of Collin County 3/2015. The case

20a

was stagnant due to the unfortunate illness of the current presiding Judge. Bowling's case was transferred in September 2015 to the newly appointed Judge McCraw of the 469th District Court of Collin County. Within two months, two hearings, McCraw demonstrated an affinity for abuse of discretion in lieu of justice which precipitated Bowling to file a Motion to Recuse Judge McCraw November 2015. The recusal pleading is only 19 pages, but the attached evidence includes two transcripts with a large amount of evidence and is **A MUST READ** if this court has access to *Odyssey*. This document demonstrates a disgusting abuse of discretion. Pay special attention to pages 42-43 where while Bowling was testifying to the evidence on the stand, defendant Mueller took Bowling's pile of evidence from her and decided to "help admit" the evidence while Judge McCraw actively shushed Bowling from calling out the descriptions of each item that should have been admitted ("*just the exhibit number please*"). This strategically gave Mueller and McCraw a way to omit whatever they selected as evidence. Evidence that should have made it into evidence did not. Some items admitted were items unlawfully admitted and not known by Bowling. Mueller and McCraw conspired to tamper with Bowling's evidence in court. Inclusive of the evidence submitted in the courtroom was proof of Dahlheimer stalking Bowling in church for 7 months violating a Protection Order over and over, breaking into her home, arrest(s) and continued threats toward Bowling. Enough was submitted to make this Motion for Recusal of Judge McCraw **A MUST READ**.

21a

Bowling appealed to Greg Willis for the issues and asked for help.

WILLIS'S RESPONSE TO BOWLINGS PLEA FOR HELP:

District Attorney Greg Willis's false accusation toward Bowling intending to wrongly incarcerate/punish her(instead of prosecuting the above offenses)

Upon the impending recusal hearing Bowling received a strange request(ROA.656) in the mail from Greg Willis's District Attorney's office to appear in court on December 1, 2015. The notice didn't indicate why Bowling must appear. The notice simply identified a gun as the subject matter (ROA.656).

Bowling arrived to court that day with her brother only to experience the below:

1. Bowling was accused by Greg Willis District Attorney of stealing Lester Dahlheimer Jr.'s gun. (ROA.743) This is false. The gun is factually in Bowling's name as owner and was tied to her CHL in Georgia. NOTE: Reciprocity for CHL exists with Texas.
2. The District Attorney lied to the court and claimed Bowling was already divorced from spouse and there was a divorce decree. (ROA.742) This is false. Bowling and Defendant were not divorced for another 7 months(July of 2016). A decree didn't exist at that time.
3. The District Attorney lied to the court that the Divorce Decree gave Lester Dahlheimer Jr., (of historical violence and recently arrested),

22a

ownership of subject matter gun. (ROA.742)

This is false. A decree or any other document did not exist giving Lester John Dahlheimer Jr. any award of such gun.

4. The District Attorney insisted on incarceration.

Probable cause did not exist. Willis lied about the probable cause stating there was a Divorce and Dahlheimer was awarded the gun.

Consequently, it appeared the presiding Judge and what looks like a constable(possibly Joe Wright), who were in attendance, didn't trust the accusation by the DA and immediately jumped to Bowling's defense. These two court officials gave Bowling time to prove Bowling owned the firearm, no such Divorce existed, and no such "award" of the gun existed. Bowling was found to be innocent of the entire set of charges and released.

More disturbing about this incident is the "notice" (ROA.656) had no indication there were criminal charges against Bowling which deceptively deterred Bowling from retaining counsel to attend the requested "appearance" further weakening her right to protect herself. Bowling had never seen the record Request for Property Hearing ROA.742 **or** Docket Case file ROA.743 until this lawsuit ensued in the Federal Court.

Bowling spent the next few months writing Greg Willis and demanding an answer:

1. What STANDING did the Willis have to surprise her with a false accusation of a criminal offense and why would he manufacture false evidence to portray

23a

“probable cause”. Why did he try to incarcerate her?

2. As to why Willis refused to prosecute Dahlheimer who lavishly violated the protection order against him, was arrested, and had Dahlheimer’s confession in evidence of his history of violence toward Bowling.
3. What was the basis for immediately expunging Mr. Dahlheimer’s justified police arrest for violating the Protection Order?
4. Why didn’t Willis intervene in the criminal offenses of Dahlheimer and his attorney, Defendant Paulette Mueller of forgery, fraud, and theft.

Willis’s “people” finally responded to Bowling and invited Bowling into the DA’s office to hear details of her issues with Greg Willis. Bowling left Greg Willis’ office with the promise that they, Willis’s “people”, would get back to Bowling with explanations to the above issues. Bowling never heard back from Willis’s office. Willis has never explained any of the above events.

McCraw’s continuance to abuse her discretion and adjudicate outside her jurisdiction with the assistance of Willis

At first launch into Bowling’s Appeal the Appellate Court ordered the Trial Court to have a hearing for a STAY PENDING APPEAL filed by Bowling. It was GRANTED. The STAY PENDING APPEAL stayed any enforcements on the Divorce Decree(among other orders). There was a Rule 11

24a

Agreement in place which gave Bowling exclusive control of her residence/property. With this structure of legal grounds Bowling moved back into her home as it had been vacant for 10 months and was declining due to the lack of care.

McCraw's response to Bowling moving back into her property during the Appeal

The Trial Court, McCraw, violated its own STAY PENDING APPEAL and adjudicate outside of its jurisdiction during the appeal. McCraw threatened incarceration, sanctions, and issued unlawful orders as during the Appeal. McCraw re-ordered up the divorce decree and aspired to unlawfully seize more of Bowling's established separate property.

Someone(?) fostered local police (who legally have nothing to do with civil issues) to harass Bowling. Police on several occasions either just showed up at Bowling's door or called her threatening her to leave her residence immediately or be incarcerated even though legal counsel confirmed Bowling could possess her own property under the Rule 11 agreement in place.

Bowling appealed again to Willis since he is conservator over law enforcement only to receive silence, not a single response. Each new unlawful order McCraw issued was a direct violation of the Stay Pending Appeal. McCraw appeared to act as though she was untouchable as she continued to adjudicate outside her jurisdiction and violate Bowling's federal constitutional rights. Willis appeared to support the unlawful efforts.

What happened in the higher courts of Texas?

25a

After an Appellate opinion was issued by Judge David Evans of the Fifth District Court of Appeals in Texas it was discovered that the Appellate Court lost, deleted, absconded, checked out, or misfiled(or tampered with) Bowling's entire clerk record. This record was 87 megabytes exposing the corrupt journey in Judge McCraw's Trial Court in collusion with the Dahlheimers, Mueller, and Willis including the extreme adjudication outside of the Trial Court's jurisdiction. Bowling motioned the Fifth District Court of Appeals to correct the record(which had previously cost Bowling \$1,100.00 to transfer from the Trial court), but Judge David Evans of the Fifth District Court of Appeals DENIED the request. The convenient loss of records concealed the collusion, unlawful conduct, and corruption of the Defendants as well as thwarted any move upward to the Texas Supreme Court who simply denied hearing Bowling's Application for Petition(6/15/2018).

NOTE: Judge McCraw was appointed as a "Republican" Judge by Greg Abbott. Judge Evans was appointed as a "Republican" Judge by Greg Abbott. Judge Evans loses Bowling's records(87 megabytes) which protects McCraw. Judge Evans subsequently was voted out of his judge chair by an opposing Democrat challenger. Later Greg Abbott rewards Judge Evans by re-appointing Evans as a "Republican" Judge again. Three Texas Supreme Court Justices were appointed by Greg Abbott as "Republican" judges who served an order of "DENIED" to deny correction of the Bowling's trial clerk records(87 megabytes lost). Judge Christine Nowak, Magistrate Judge of this Federal District

26a

court which has erred, omitted facts, misarticulated facts is conveniently married to Judge Tom Nowak, Republican” Judge appointed by of Greg Abbott of the same court jurisdiction and court as Judge McCraw. Christine Nowak and Piper McCraw serve together on a 10 panel member advisory Committee of the Collin County Women’s Lawyers Association. There is one Master Puppeteer, Greg Abbott in the Executive Branch, pulling the strings to hundreds of “Republican” Judges who play on the same team rather than act as gatekeepers at different levels of justice. This tyrannical architecture clearly blurs the lines of “Checks and Balances”.

It must be called out the Greg Willis’s wife, Jill Willis, was on the commission who selected Christine Nowak for her federal judge appointment in 2015. Judge Nowak served up the prefiling injunction, subject matter for this court’s review, in behalf of Greg Willis. Greg Willis motioned for this sanction.

SUMMARY OF ARGUMENT

First Issue:

1. The Federal District Court abused their discretion by wrongly declaring Bowling as a “Vexatious Litigant”
 - a. The Numerous element: Numerous lawsuits must exist. There is only one lawsuit against Willis by Bowling and it is in the US Federal District Eastern Court of Texas 4:18-cv-00610(same case appealed here). There has never been a history of any other lawsuits between Bowling and Appellee, Willis. Bowling’s

27a

one lawsuit does not reach the threshold of either Texas Vexatious Litigant Statutes nor the US Federal Vexatious Litigant caselaw.

- b. The Merit element: The lawsuit must have merit.
 - i. Bowling has merit to file for a remedy in this case.
 - ii. Willis's conduct of perjury, producing false evidence, and impermissible conduct in both the State and Federal courts lend to the merits of Bowling's case.

Bowling's case has not demonstrated bad faith, recklessness, and harassment as required by State and Federal Vexatious Litigant statutes.

2. Second Issue:

The Federal District Court abused their discretion by wrongly issuing a prefilings injunction.

- a. If the Fifth Circuit Court of Appeals finds the Bowling does not fall under the criteria of a Vexatious litigant, then this court must find that the issuance of a prefilings injunction is an abuse of discretion.
- b. Bowling's one lawsuit does not rise to the threshold of Federal statutes of a prefilings injunction. A prefilings injunction violates both the Texas Statutes and the United States Constitution? The prefilings injunction

28a

infringes on Bowling's right to remedy by placing an obstruction of Bowling's access to the Federal District Court.

3. Third Issue:

The United States Eastern District Federal Court is abusing their discretion by using this appealed prefilng injunction issued 9/27/2019 to decline ruling on two Motions for Reconsiderations under Rule 60 filed on 9/9/2019 and Second amended Complaint(9/16/2019) for which both were filed before this prefilng injunction was issued. One Motion for Reconsideration Rule 60 is based on the court's(Nowak) omissions/errs and fraud on the court(ROA.1314-1344). This motion is in essence a request by Bowling to the court to produce evidentiary findings of fact and conclusions of law. The other Motion for Reconsideration Rule 60 was based on the baseless denial of Bowling's First Amended Complaint(document designated for ROA, but was omitted by the District Court). Regarding the Second Amended Complaint(ROA.1417-1468) it was the court who instructed Bowling to amend her complaint(ROA.1543). Bowling had already filed it, yet the court refuses to accept it and move forward. The federal District court is refusing to answer any of the previously filed motions using the prefilng injunction as a retroactive shield to avoid accountability.

The Federal District Court needs to be compelled to answer Bowling's Motions for Rule 60 and explain why Bowling's arguments omitted have no basis and why they did not respond to Bowling's Motion to Supplement the Record on Appeal.

ARGUMENT**FIRST ISSUE**

The US Federal District Court abuse their discretion for issuing an Order confirming Bowling a Vexatious Litigant.

Argument for Issue 1(a) The Numerous Element: Only one lawsuit exists between the Bowling and Willis. (Same case for this Appeal)

In order to fulfill the Federal Statutes to declare a litigant “vexatious” the criteria according to Federal law is the litigant must have “numerous” lawsuits against the specific litigant. Bowling only has one lawsuit which is the subject matter for this Appeal. Further, this sanction declaring a Vexatious Litigant is in violation of Texas law as well and is in violation of Bowling’s right in her sovereign state. Parameters declaring Bowling a Vexatious Litigant do not exist in this case

Legal Standard: The Numerous Element

The court has inherent power to sanction parties or their attorneys for improper conduct. Chambers v. Nasco, Inc., 501 U.S. 32, 43-46 (1991); Roadway Express, Inc. v. Piper, 447 U.S. 752, 766 (1980); Fink v. Gomez, 239 F.3d 989, 991 (9th Cir. 2001). However, in order to sanction a litigant under the court’s inherent powers, the court must make a specific finding of “bad faith or conduct tantamount to bad faith.” Fink, 239 F.3d at 994. Although mere recklessness is insufficient to support sanctions under the court’s inherent powers, “recklessness when combined with an additional factor such as

30a

frivolousness, harassment, or an improper purpose” is sufficient. Id. at 993-94. “[I]nherent powers must be exercised with restraint and discretion.”

Chambers, 501 U.S. at 44. Under federal law, litigiousness alone is insufficient to support a finding of vexatiousness. See Moy v. United States, 906 F.2d 467, 470 (9th Cir. 1990) (the plaintiff's claims must not only be numerous, but also be patently without merit). The focus is on the number of suits that were frivolous or harassing in nature rather than on the number of suits that were simply adversely decided.

Discussion: Does Bowling have a litigious background of numerous lawsuits against Willis?

Bowling has only one suit against Willis. Therefore, Bowling's actions do not rise to the level of the Federal Statutes standard of review to declare Bowling of being a “Vexatious Litigant”.

On another note, it is unusual that a Federal court should find their “one” and only case by a party to be vexatious if there hasn't been any such declaration of “vexatiousness” at the State level.

There is a precedence to have a history of numerous and vexatious behavior prior to reaching a Federal court, yet it does not exist. Bowling's actions in the State of Texas do not remotely meet the criteria for a Vexatious Litigant by Texas Civil Practice & Remedies Code Chapter 11.054 Criteria for Finding Plaintiff a Vexatious Litigant. Declaring Bowling a vexatious litigant is in violation of Texas law.

Further, the current Federal District Court's sanction/prefiling injunction mentions very little about Bowling's actions in the Federal court. This “Federal” sanction against Bowling incessantly articulates events in one State Court Case that was

31a

escalated to the Texas Appellate Courts. The Federal Courts invoking “inherent powers” of authority to pass judgment of vexatious litigation in one State case seems far reaching and an abuse of such powers.

It must be noted that nothing in the State court case has any relativity to Greg Willis(the Appellee requesting this sanction).

The District courts did not address criteria requirements for vexatious litigation, however, Judge Nowak attempted to illustrate the “numerous” element by trying to pass off the District Courts disregard of Bowling’s two attempts to enjoin to this case one particular Defendant(Judge John Roach) as “numerous lawsuits”.

Subject to this sanction the Magistrate Judge writes: *“It is apparent from the record(s) that Plaintiff has repeatedly attempted to remove her divorce proceeding to this Court. Plaintiff has now filed and/or otherwise initiated three separate cases in federal court related to her divorce in the past year”.*

This is misstated to pass off the “numerous” element nor is any of Bowling’s attempts to enjoin Judge Roach to this one lawsuit have anything to do with “Divorce”. The Texas state divorce case was over in 2016.

There were two attempts made by Bowling to enjoin this particular party, Judge Roach, to this one federal case.

EVENTS: The Texas state case was closed. Defendants Dahlheimer/Mueller reopened the case with a new frivolous lawsuit against Bowling(as they did multiple times) disguised as a Motion for

32a

Enforcement. Judge McCraw insisted on continuing to reign over the new case even though she was currently a Defendant in Bowling's Federal case(this one). In the Federal Court Bowling requested an injunction against McCraw's continued efforts to preside in the state court. McCraw finally recused herself from the new state lawsuit case. Judge Roach took the new state case, but simply enjoined himself in the corrupt behavior of covering up for his colleague McCraw. Judge Roach happily stepped outside his jurisdiction to punish Bowling.

Bowling requested this new state case be removed to the Federal District Court(4:19-CV-00022) and enjoined it(page 1 of Complaint) to the current case as the subject matter was the same.

The Federal District court remanded the case back to the state court. The Magistrate unjustly claimed Bowling didn't state Federal Questions in her Complaint.

With the failure to remove the state case of Judge Roach's violations, Bowling simply filed a similar lawsuit against Judge Roach for the same exact behavior of unchecked violations as in the first case(4:19-CV-00144). Again, Bowling requested to consolidate this case(page 1 of Complaint) to the one current Federal District case due to the group relativity and subject matter. This would be the second time Bowling tried to enjoin Judge Roach to the current case. The Federal District court simply ignored the Bowling's repeated requests to enjoin the new party, Judge Roach. So, now there are two cases in the Federal District court of the same subject matter, same court, same jurisdiction, same players.

33a

It is a waste of Federal District court resources NOT to enjoin this particular party, Judge Roach, to this case.

This district court is trying to prove a false perception of “numerous litigation” on the part of Bowling.

Argument for Issue 1(b)(i) : Does Bowling’s case have merit?

Legal Standard: The Merit Element

... in order to sanction a litigant under the court’s inherent powers, the court must make a specific finding of “bad faith or conduct tantamount to bad faith.” Fink, 239 F.3d at 994. Although mere recklessness is insufficient to support sanctions under the court’s inherent powers, “recklessness when combined with an additional factor such as frivolousness, harassment, or an improper purpose” is sufficient. Id. at 993-94.

Discussion: 1(b)(i): Did Bowling have merit to seek remedy for below or was this case frivolous and harassing?

In the complaint Bowling charged Willis for the following federal violations:

- Violation of due process
- Conspiracy to interfere with Civil Rights
- Failure to Intervene,
- Malicious prosecution

And while not formally charged Willis should be charged with Fraudulent Concealment of his actions to a Federal District Court by way of perjury.

34a

There is no question Willis lied about having probable cause in a state court to charge and incarcerate Bowling.

- a) lied to the state court about Bowling being divorced.(ROA.742).
- b) lied to the state court about gun owned or was awarded to Dahlheimer.(ROA.742)
- c) Accused Sergeant Vance of requesting this hearing and writing such document, yet it appears to lack his signature.(ROA.742). This might be because Sergeant Vance knew of the pending divorce, confirmed the gun ownership, confirmed there was a Protection Order against Dahlheimer, and knew why Bowling kept the gun in her purse close by.
- d) lied to the state court by claiming Bowling stole the gun(ROA.743) where it states under Case Type: "Possession of Stolen Property Hearing – Article 47 of the Texas Code of Criminal Procedure).

There is no question he interfered into Bowling's life(rights) aggressively, with surprise (ROA.656) by luring her unsuspectingly into court (ROA.656) and without provocation. Then surprising Bowling by the act of trying to incarcerate Bowling. No probable cause existed.

Willis has never explained his actions. Bowling civilly asked Greg Willis to explain with no response. This leads to the conclusion of collusion with the newly appointed McCraw who was facing recusal and the Appellate court.

35a

There is no question that Willis violated due process in the mist of his charging Bowling with a false charge to incarcerate her without probable cause. To achieve falsely imprisoning Bowling, Willis made false claims to the court.

There is no question Willis possessed the evidentiary support that Dahlheimer had a history of violence, stalking, and threatening Bowling, yet Willis joined McCraw's abuse of discretion and declined to protect Bowling when requested.

(Evidence of Dahlheimer's violence/stalking is attached to the Motion to Recuse Judge McCraw of the 469th Court of Collin County, 11/2015, A MUST READ). All evidence of violent history, arrests, confessions, and events was submitted in a hearing in front of McCraw and submitted separately to Willis, Collin County District Attorney.

Bowling requested for Willis to explain his actions in state court, the ongoing police harassment, the ongoing failure to assist with criminal breakins/threats/vandalism, and McCraw's criminal participation in all mentioned.

See example threat capture for Bowling's attempt to obtain a TRO in the Federal Court: Denied.

- See ROA.153: picture of Dahlheimer, Herres(receiver), locksmith parked in front of Bowling's house threatening to barge in. There is no Order in place to remove Bowling or implementation order for Bowling's exit.
- See ROA.154: Bowling called police. Same individuals(police) showed up that

36a

previously threatened Bowling 2016, 2017, and 2018.

- See ROA.155: Police invite themselves in(they saw Bowling's front door camera). Bowling telling them leave immediately.
- See ROA.156: Police steps forward toward Bowling in an attempt to bully her. Police do not know of the camera in the front living room.
- See ROA.157: All leave because Bowling stood her ground. They have no rights, and no probable cause, however, the threat was real.

Willis's participation was ongoing and without explanation. Bowling had no choice, but to seek remedy in a Federal Court to stop Willis's threats toward Bowling. This is the only case between Bowling and Willis in any court.

Bowling's actions have not demonstrated "bad faith, recklessness, and harassment" as required by State and Federal Vexatious Litigant statutes.

Willis is guilty of the stated charges regardless of the Federal Court's error of dismissing Bowling's charges against him.

Argument for Issue 1(b)(ii): Does Willis's unlawful conduct lend to the merits of Bowling's case?

If Willis perjured himself in the State court, submitted false evidence in the State Court, added more perjury in the Federal Court to cover up his state actions, added more false evidence in the Federal Court to cover up his actions in the State

37a

court, filed collectively approximately 11 pleadings and letters to Bowling countersuing Bowling with sanctions, then it would seem that Willis has demonstrated corruption which lend to the merits of the Bowling's case in the Federal Court.

Additionally, Willis's conduct would be deemed "impermissible conduct" which would nullify his immunity.

Legal Standard The caselaw (one of many) which articulate Willis's conduct does not afford immunity:

Even if a prosecutor is performing an advocative function, he will nonetheless be denied absolute immunity if he intertwines the exercise of his advocacy function with impermissible conduct; or if he acts in excess of his statutorily conferred jurisdiction. Thus, absolute immunity will not shield him if he "has intertwined his exercise of prosecutorial discretion with other, unauthorized conduct." *Bernard v. County of Suffolk*, 356 F.3d 495, 504.

The standard to determine if false declarations and submitting false evidence to a court rise to the level of impermissible conduct is found in:

18 U.S. Code § 1623. False declarations before grand jury or court

(a) Whoever under oath (or in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code) in any proceeding before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration or makes or uses any other information, including any book, paper, document, record,

38a

recording, or other material, knowing the same to contain any false material declaration, shall be fined under this title or imprisoned not more than five years, or both.

“In most cases, the courts abbreviate their description of the elements and state in one form or another that to prove perjury the government must establish that “the defendant (1) knowingly made a (2) false (3) material declaration (4) under oath (5) in a proceeding before or ancillary to any court or grand jury of the United States.”

Discussion: Do the below items rise to the level of impermissible conduct and lend to the merits of Bowling’s case?

Items of Willis’s false declaration

1. In the State court (ROA.742) Willis produces a document insinuating Sergeant Vance issued the Request for Hearing, yet Vance’s signature is absent. Vance was not visibly present at that hearing. It was presumably Joe Wright, Constable, that protected Bowling. This document has never been seen by Bowling nor does it state on the record(ROA.743) the entry “Request for a Hearing” was issued by Sergeant Vance. Sergeant Vance and Bowling had met prior to this hearing and at that time Vance previously verified Bowling’s Protection Order against Dahlheimer(violence/stalking), verified the “pending” divorce, and verified Bowling’s ownership(and CHL) of this particular gun. It would seem highly unlikely

39a

that Sergeant Vance would request a hearing regarding an item or probable cause that he already has verifiable information as to the contrary. It is highly unlikely that Sergeant Vance would support advancing a gun to Dahlheimer who had a proven history of violence and stalking. Willis's production of documents was fraud on the court.

2. In the State court (ROA.742) falsely insinuates there is a Divorce Decree, that the gun belongs to Dahlheimer(or was awarded to Dahlheimer)thus this is perjury to promote probable cause. All of claims in this document are easy to validate(invalidate) before an individual is charged with a crime.
3. In the State court (ROA.743) Willis already previously charged Bowling with stealing a gun from Dahlheimer without notifying her. Bowling would have hired an attorney had she known of the charges. An Attorney would have identified(witnessed) Willis's false probable cause. Willis endeavored to falsely imprison Bowling and the motive has not been explained to Bowling regardless of her repetitive requests for an explanation.

NOTE: Bowling has not audited all of Willis's documents in the Federal District Court as he filed many to sanction Bowling. There were too many to

40a

scrutinize. Below are some material items identified as "impermissible conduct".

4. In the Federal District court Willis knowingly misrepresents law by inserting his own words into a popular caselaw recitation of legal authority. Willis's insertion of his own words insinuates his investigatory role(no probable cause) is covered by immunity. In Willis's Motion to Dismiss(ROA.189) he writes:

"Prosecutorial Immunity Bars Plaintiff's claims against Collin County District Attorney Willis in his individual capacity

*"The doctrine of absolute Prosecutorial Immunity, as set forth by the United States Supreme Court in *Imbler v. Pachtman*, 424 U.S. 409 (1976), provides that a state prosecutor who acts within the scope of his duties in initiating, **investigating** and pursuing a criminal prosecution and in presenting the state's case is absolutely immune from a civil suit for damages for alleged deprivations of the defendant's constitutional rights under 42 U.S.C. §1983."*

The law actually reads:

*"When a prosecutor performs "advocative" conduct, that is, he "act[s] within the scope of his duties in initiating and pursuing a criminal prosecution," *Imbler v. Pachtman*, 424 U.S. 409, 410 (1976), he is absolutely immune from suit."*

41a

There is no such word as “**investigating**” in this statement of law, *Imbler v. Pachtman*. It is no mistake that Willis deceitfully inserted his own wording “**investigating**” fully knowing that he had no probable cause to prosecute Bowling and incarcerate her. An investigatory role has no immunity afforded.

Bowling also noted to the Federal District court that “Even if a prosecutor is performing an advocative function(advocate of initiating prosecution), he will nonetheless be denied absolute immunity if he intertwines the exercise of his advocation function with “impermissible conduct”.

Bowling’s multitude of valid arguments of the law regarding Willis’s lack of different kinds of immunity are articulated in (ROA.41-42, ROA.650-654, ROA.705, ROA.1116-1120, ROA.1461-1463 and Bowling’s First Amended Complaint designated for ROA: omitted).

5. In the Federal District court Willis maliciously falsified facts of Bowling in a pleading to mislead the tribunal into believing his prosecution of Bowling had merit.

Willis claimed that when he charged Bowling with stealing a gun that the gun in question “*was eventually returned to the lawful owner*” (ROA.737) falsely insinuating to the Federal District court that Bowling had indeed stolen the gun(which is blatantly false) and insinuated the gun belonged to someone other than Bowling(which is false). This false statement misleads the Federal District court to believing Bowling was found guilty of stealing a gun. This is a malicious falsification. Willis deceived the

42a

District court into believing he had merit to prosecute Bowling. This shows intention to thwart the judicial machinery.

6. WILLIS demonstrated conduct of malicious litigation

On top of Willis's threats to wrongly incarcerate Bowling, Willis fostered judicial(McCraw) and law enforcement(police) corruption, committed fraud on the court, and threatened to sanction Bowling in documents (ROA.623-633, ROA.635, ROA.647, ROA.640, ROA.735, ROA.747-748, ROA.996-997, ROA.1184-1191, ROA.1471-1474).

Bowling has been on the defense from Willis's aggression on many fronts. Bowling's actions do not mimic "Vexatious Litigation". Willis's malicious litigation is "impermissible conduct" which nullifies immunity and should lend to the merits of Bowling's case.

7. Willis falsely claimed innocence in a Federal Court.

Willis is the only litigant of eight who claims he is innocent of depriving Bowling's constitutional rights(ROA.187-188). The other litigants did not deny their guilt, but simply invoked different immunity strategies without stepping into the real issues of depriving Bowling's rights. Willis is guilty, but falsely claimed his innocence in a Federal Court.

With the above identified it appears the elements of perjury seem to have been met: declaration, certificate, verification or statement AND two or more declarations inconsistent with the

43a

truth AND knowing “mens rea”: intent to get away with his criminal actions. United States v. Brugnara, 856 F.3d 1198, 1209 (9th Cir. 2017); *see also* United States v. Dudley, 804 F.3d 506, 520 (1st Cir. 2015) (“A statement under oath constitutes perjury if is [1] false, [2] known to be so and [3] material to the proceeding.”);

Bowling did not accuse Willis with Perjury to the State or Federal District court, but the above facts lend heavily to the merits of Bowling’s case and demonstrates that Willis is not innocent of the charges articulated in Bowling’s Complaint.

SECOND ISSUE

If this court finds Bowling does not meet the threshold of Vexatious Litigant

If this court finds that Bowling’s argument of the First Issue is valid this court must find that a prefiling injunction against Bowling is an abuse of discretion. No restatement of Issue One required.

Parameters of a prefiling injunction

The verbiage below is from the appealed Memorandum Adopting Report and Recommendation of the United State Magistrate Judge for sanctions(ROA.1519-1522):

(ROA.1521-1522) Without leave of court, Plaintiff is prohibited from further filing in, or removing to, this Court any civil action related to her state court divorce proceedings. The pre-filing injunction is not specific to any

44a

defendant, rather it is specific to this Court, and to Plaintiff's state court divorce proceeding. Plaintiff's Objection is overruled.

Specifically, Plaintiff shall be enjoined from future filings in this District as follows:

*Plaintiff is prohibited from filing in or removing to, the Eastern District of Texas the case *Bowling v. Dahlheimer*, Case No. 469-51274-2015 in the 469th Judicial District Court in Collin County (the "Divorce Proceeding") or any civil action (including any enforcement proceedings) related to the divorce proceedings between Plaintiff and Defendant John Dahlheimer, Jr., without leave of court.*

Plaintiff shall be required to obtain leave of court from an active Eastern District of Texas Judge assigned to the division in which the case will be filed, or the Chief Judge of the Eastern District of Texas. Plaintiff must file a written motion requesting leave of court and attach to the motion for leave copies of (1) the proposed complaint; (2) a copy of the Magistrate Judge's Report and Recommendation; and (3) this Memo Adopting. This pre-filing injunction is not intended to and shall not apply to any current or pending matters before the Eastern District of Texas but shall only be applicable to future cases.

Judge Nowak's misarticulation of the subject matter

First, it must be established that this case has never been about the "Divorce proceedings" as the

45a

Magistrate Judge intentionally misarticulates. Greg Willis is being sued for Violation of Due Process, Conspiracy to Interfere with Civil Rights, Failure to Intervene, and Malicious Prosecution. Other Defendants in this case are being sued for the same and Unlawful Seizure, Tampering with Governmental Records, and Fraudulent Concealment. There is nothing in this subject matter relating to divorce and nothing has been “re-litigated” from those previous proceedings.

This subject matter is proper for the Federal Court only. Placing any hindrances to access the Federal Court for the ongoing threats would be unconstitutional. The District court has unjustly denied Bowling’s first Amended Complaint (designated for ROA, but omitted). If this is representative of the Federal Court’s “remedy” Bowling will surely be denied wrongfully for ensuing abuses.

Legal Standard Parameters allowing a prefiling injunction do not exist in this case

A prefiling injunction might fly under the All Writs Act 28 U.S.C. § 1651(a) (2000), however courts have held that such injunctive relief is an extreme remedy that should not be routinely granted, and that such relief is inappropriate unless there is a real and immediate threat of future injury combined with objectionable past conduct. *See Payman v. Mirza*, Nos. 2:02cv23, 2:02cv35, 2005 U.S. Dist. LEXIS 14262, *8 (W.D. Va. July 18, 2005).

Discussion: Such condition of immediate threat of future injury does not exist and this lawsuit is the only case that exist between Bowling and

46a

Willis. To NOTE: It is Bowling who is experiencing repetitive injury inflicted by Willis.

No Res Judicata exist here

Legal Standard: In granting pre-filing injunctions under the All Writs Act, courts generally are concerned with preventing re-litigation of issues that have already been decided. It is essentially “an extra arrow in the quiver of *res judicata* and collateral estoppel.” *Ezell v. Dan River, Inc.*, 2002 WL at *5.

Discussion: No such condition exists here. Bowling has never sued Greg Willis in any other court as this is the only suit that exists. Willis, however, has had honorable mention in Bowling’s Motion to Recuse Judge McCraw and in Bowling’s Brief in the Fifth District Court of Appeals in Texas.

Tailored to the specific circumstances presented

Legal Standard Prefiling injunctions should be “tailored to the specific circumstances presented,” such that no litigant shall be denied their day in court. *Armstrong v. Koury Corp.*, 2000 U.S. App. LEXIS at *2; *see also Tinsley v. More Bus. Forms, Inc.*, No. 93-2086, 1994 U.S. App. LEXIS 14208, *5 (4th Cir. June 9, 1994) (“An absolute bar to filing actions would be patently unconstitutional.”); *Pep Boys*, 2005 U.S. Dist. LEXIS at *23-24 (“[S]o long as the injunction does not completely close access to the court. . . . it should be tailored to the specific circumstances presented.”).

47a

Discussion: The prefiling injunction recommended by Judge Nowak and issued in the US District Court by Judge Mazzant clearly states “*The pre-filing injunction is not specific to any defendant, rather it is specific to this Court*”.

This prefiling injunction is clearly not tailored to the circumstances presented between Willis and Bowling. If this injunction was lawful it should only pertain to Greg Willis alleged offenses and his circumstances with Bowling, yet the District Court abuses their discretion and creates the injunction across a broad scope of defendants, future discovery of new defendants, “*or any civil action*” etc.

(ROA.1521)

Right to bring suit in unrelated cases

Legal Standard: For example, in *Cromer*, the Fourth Circuit found too broad an injunction that prevented the *pro se* plaintiff from making any future filings in *any* case (even unrelated cases) in federal court without first obtaining permission from the magistrate judge who issued the injunction.

Cromer v. Kraft Foods 390 F.3d at 819 (stating that although the plaintiff had proved to be a “frequent filer” with respect to his employment discrimination suit, “nothing in the record justified infringing upon his right to bring suit in *unrelated* cases”) (emphasis in original).

Discussion: The prefiling injunction prevents Bowling from bringing in parties that participated in Dahlheimer criminal actions which the Trial Court prevented. If Bowling desires to widen this case she should not be prevented by the Federal District Court especially since the incorporation of certain

48a

entities related are not local which would include Diversity jurisdiction.

Access to the courts for potentially meritorious claims in the future

Legal Standard: Likewise, in crafting the injunction issued in *Payman*, the court first stated that it would “not enjoin [the plaintiff] from filing any actions anywhere against the defendants or parties in privity with the defendants, as that would deny [the plaintiff] access to the courts for potentially meritorious claims in the future. *Payman v. Mirza* 2005 U.S. Dist. LEXIS at *13.

Discussion: The current prefiling injunction violates Bowling’s rights to add parties to the current claim. The current defendants have a habit of blamethrowing their offenses to others as Willis did to Sergeant Vance. Bowling should have the right to add these parties to the current claim.

THIRD ISSUE

The Federal Court is refusing to answer to a pleading forcing them to account for omissions and fraud on the court filed before the prefiling injunction was issued. They are using this prefiling injunction as a shield.

Legal Standard: No standard has been identified allowing the courts to use a prefiling sanction retroactively to abandon previously filed motions for relief (Rule 60 reconsideration), a Second

49a

Amended Complaint, and a Motion to Supplement the Record on Appeal.

Discussion: After the US District Eastern Court wrongly dismissed Bowling's case against four litigants(which was issued 8/7/19), Bowling motioned the court to reconsider under Rule 60 in two different motions. One was in regards to the unjustified denial of Bowlings First Amended Complaint ROA.1346-1355). The other motion requested reconsideration based on detailed gross misrepresentations, omissions, and fraud on the court(ROA.1314-1344). The requests for reconsideration was an effort to allow the court to correct their errors before it was necessary for an appeal.

Neither of these two motions have ever been addressed and it appears the US District Court is abusing its discretion by issuing a prefilng injunction order subsequently to these motions to justify **not** answering Bowling's request for relief.

The District court requested an additional amendment (The Second Amended Complaint ROA.1417-1469) prior to the prefilng injunction, yet the court declines to acknowledge it.

The District Court received Bowling's Motion to Supplement the Record on Appeal on January 27th, 2020, yet the court has not responded.

CONCLUSION AND PRAYER

If Greg Willis is not against the criminal aggression toward Bowling, then he is for it. His conduct speaks for itself. Bowling does not deserve the harshness of this sanction, prefilng injunction.

50a

Bowling's prayer is that this Court reverse the District Court's Memorandum Adopting Report and Recommendation of the United State Magistrate Judge, prefiled injunction(ROA.1519-1522); that Bowling recover their reasonable expenses and costs; and that they have such other and further relief, at law or in equity, to which they are justly entitled. 1 Kings 3:9.

Wanda Bowling

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51a

Appendix C

**United States Court of Appeals for the
Fifth Circuit**

No. 19-40914
Summary Calendar

Wanda L. Bowling

Plaintiff-Appellant,
versus

GREG WILLIS, in his Official and
Individual Capacity,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:18-CV-610

Before JONES, BARKSDALE, and STEWART,
Circuit Judges.

PER CURIAM:*

*Pursuant to 5TH CIRCUIT RULE 47.S, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIRCUIT RULE 47.5.4.

52a

Wanda L. Bowling filed this action against her former spouse and eight other individuals, including Greg Willis, for federal claims related to her ongoing divorce proceedings in Texas state court. She asserted her former spouse misappropriated her assets and the other named defendants participated in that conduct during, or subsequent to, the divorce. The district court ruled some of her claims were time-barred, others barred by prosecutorial and sovereign immunity, and others lacking a plausible basis for relief.

Willis moved for sanctions against Bowling and a declaration she was a vexatious litigant under 28 U.S.C. § 1651(a). The court agreed, and imposed a pre-filing injunction, prohibiting Bowling from filing further claims without leave of court.

Proceeding *pro se*, Bowling contests the injunction through an interlocutory appeal, contending: the court abused its discretion in declaring her to be a vexatious litigant; the scope of the injunction is overbroad; there is no real and immediate threat of future injury; and maintenance of the pre-filing injunction will deprive her of a federal remedy, which, she asserts, may only be vindicated in federal court. A pre-filing injunction is reviewed for abuse of discretion. *Newby v. Enron Corp.*, 302 F.3d 295,301 (5th Cir. 2002).

District courts have inherent power to impose pre-filing injunctions "to deter vexatious, abusive, and harassing litigation". *Baum v. Blue Moon Ventures, LLC*, 513 F.3d 181, 187 (5th Cir. 2008). The injunction "must be tailored to protect the courts and innocent parties, while preserving the legitimate rights of litigants". *Id.* (citation omitted). The

53a

injunction prohibits Bowling removing her state-court divorce proceeding to federal court or filing any civil action related to the divorce; it does not apply to current or pending matters, but only future cases; and Bowling may still file any otherwise-prohibited matter upon obtaining leave of court pursuant to the injunction. She has not shown the court abused its discretion.

Bowling also claims the court erred by: striking her first amended complaint; granting four defendants' motions to dismiss; and failing to consider her second amended complaint. Our court lacks jurisdiction to consider these issues because they are not interlocutory orders. See 28 U.S.C. § 1292(a)(1).

DISMISSED in part; AFFIRMED in part.

54a
Appendix D

No. 19-40914

**IN THE UNITED STATES COURT OF
APPEALS FOR THE FIFTH CIRCUIT**

WANDA BOWLING
Plaintiff - Appellant
vs.
GREG WILLIS, in his official and individual
capacity,
Defendant - Appellee

Appeal from the United States District Court
Eastern District of Texas, Case No. 4:19-CV-610

**MOTION FOR CLARIFICATION OR
CLARIFYING ORDER**

Wanda Bowling- Pro Se
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55a

**STATEMENT AND GROUNDS FOR
CLARIFICATION**

1. The US Eastern District Court issued an Order deeming Appellant a Vexatious Litigant AND a Prefiling Injunction.
2. Appellant filed a Notice for Interlocutory Appeal 10/28/2020. Appellant identified Three(3) issues:
 - 1) The district court abused their discretion by deeming Appellant was a Vexatious Litigant.
 - 2) The district court abused their discretion by issuing a prefiling injunction because Appellant is not a Vexatious litigant and there is no caselaw supporting the issuance for no reason.
 - 3) The district court refuses to answer Motions using the prefiling injunction retroactively.
3. Appellant's brief was clearly dominated by legal authority to support that Appellant did not remotely fall under ANY Vexatious Litigant Statute or deserved a prefiling injunction. All briefs were complete by 4/20/2020.
4. The third issue was eventually resolved.
5. This court issued an Order for this interlocutory appeal 7/16/2021, fifteen(15) months later, per curiam. The court's order on page 2 states "Bowling contests the injunction through an interlocutory appeal,...". The court only answered/reviewed the second issue, prefiling injunction. A court cannot possibly determine the

56a

third issue(prefiling injunction) unless they have answered/reviewed the first issue, whether Appellant can be justifiably deemed a Vexatious Litigant. The court did not adjudicate, dispose of, or otherwise address Bowling's contention that she was not a Vexatious Litigant. There is no language or legal support by this court regarding Appellant's dispute as being deemed a Vexatious Litigant and therefore no justification for a prefiling injunction.

Some legal authorities are determining that this court might not be perceiving the Order issued by the Eastern District Court as deeming Appellant as a Vexatious Litigant, however, other authorities dispute this perception and is using this Order against Appellant resulting in more deprivation of rights.

The departure of the appeal for review of abuse of discretion in an order deeming Appellant a vexatious litigant which was the essence of the appeal, to the "answer"(the Order) issued by this court which did not address the vexatious designation at all, has caused confusion and abuse by the same defendants. This is causing more court actions.

Appellant clearly asked this court to determine if the district court abused their discretion by deeming Appellant as a Vexatious Litigant and prefiling injunction.

Appellant respectfully request this court to either issue a clarifying order or declaratory judgment as to whether their review resulted in deeming Appellant a Vexatious Litigant or not and address Appellant's arguments.

57a
CONCLUSION

There is no other remedy, except for this court to clarify the gap of review that has not been addressed. A Rehearing, Writ of Mandamus, Certiorari, or any other kind of remedy is not appropriate because this court did not address the main issue, so no disagreements exist for such remedies. The ambiguity between the US Eastern District's Order and the Fifth Circuit's Order results in confusion. It would seem a clarifying Order is the least laborious and would provide direction.

Respectfully submitted:

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58a
Appendix E

**United States Court of Appeals
for the Fifth Circuit**

No. 19-40914

Wanda L. Bowling

Plaintiff-Appellant,
versus

GREG WILLIS, in his Official and
Individual Capacity,

Defendant-Appellee.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 4:18-CV-610

Before JONES, BARKSDALE, and STEWART,
Circuit Judges.
PER CURIAM:*

IT IS ORDERED that Appellant's opposed
motion to clarify the Court's opinion is DENIED.