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Appendix A

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

No. 23-10725

IN RE LEVI RUDDER,

Appellant,

Filed: May 31, 2024

Before Jones, Clement, and Wilson, Circuit Judges.

ON PETITION FOR REHEARING

IT IS ORDERED that the petition for rehearing is
DENIED.

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 23-10725

IN RE LEVI RUDDER,
Appellant,

Filed: June 24, 2024

Before Jones, Clement, and Wilson, Circuit Judges.

J U D G M E N T

This cause was considered on the record on appeal and the briefs on file.

IT IS ORDERED and ADJUDGED that the judgment of the District Court is AFFIRMED.

The judgment or mandate of this court shall issue 7 days after the time to file a petition for rehearing expires, or 7 days after entry of an order denying a timely petition for panel rehearing, petition for rehearing en banc, or motion for stay of mandate, whichever is later. See Fed. R. App. P. 41(b). The court may shorten or extend the time by order. See 5th Cir. R. 41 I.O.P.

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 23-10725

IN RE LEVI RUDDER,
Appellant,

Filed: April 30, 2024

Before Jones, Clement, and Wilson, Circuit Judges.

Pro se Appellant Levi Rudder challenges the district court's imposition of sanctions on him for engaging in the unauthorized practice of law in a criminal proceeding. Rudder argues that the district court lacked the authority to impose these sanctions. We AFFIRM.

I. BACKGROUND

On the Government's motion, the district court held a hearing to allow Levi Rudder to show cause why he should not be sanctioned for the unauthorized practice of law. The court found that Rudder, who is not admitted to any bar or licensed to practice law, contacted a represented detainee facing federal firearm charges in the district court and attempted to interject himself into the case. Despite defense counsel's instruction to Rudder that he should not contact the detainee again, Rudder, among other things, engaged in an unprivileged, monitored video

meeting with the detainee, offered the detainee legal advice, and encouraged the detainee to sign a form appointing Rudder as his additional counsel. As such, the court determined that Rudder had engaged in the unauthorized practice of law.

Having made these findings, the court exercised its inherent powers and ordered Rudder to pay a monetary sanction of \$500 and barred him from filing documents in the United States District Court for the Northern District of Texas without first obtaining the court's permission.¹ The court also: (1) admonished Rudder that it is illegal to practice law without a law license and that doing so could subject him to additional sanctions; (2) ordered Rudder to cease his unauthorized practice of law; and (3) informed the Unauthorized Practice of Law Committee of the State of Texas of the sanctions imposed against Rudder in this case. Rudder appeals from that order.

II. ANALYSIS

On appeal, Rudder argues that the Constitution does not afford federal courts inherent powers to sanction individuals for engaging in the unauthorized practice of law and, therefore, the district court erred in sanctioning him. But federal courts have the inherent power to police the conduct of litigants and attorneys who appear before them. *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43-46, 111 S. Ct. 2123, 2132-33 (1991) ("[A] federal court has the power to control admission to its bar[.]"); see also *In re Stone*,

¹ This filing bar does not encompass a separate case in the Northern District of Texas which was pending at the time the district court sanctioned Rudder and in which Rudder was a party.

986 F.2d 898, 902 (5th Cir. 1993) (per curiam). Generally, a party “cannot be represented by a nonlawyer[.]” *Raskin ex rel. JD v. Dall. Indep. Sch. Dist.*, 69 F.4th 280, 283 (5th Cir. 2023) (discussing 28 U.S.C. § 1654) (citation and quotations omitted). Indeed, requiring “a minimum level of competence protects not only the [client] but also his or her adversaries and the court from poorly drafted, inarticulate, or vexatious claims.” *Id.* at 286 (alteration in original) (quotations and citation omitted). “It follows logically,” then, “that a federal court’s power to regulate and discipline attorneys appearing before it extends to conduct by nonlawyers amounting to practicing law without a license.” *United States v. Johnson*, 327 F.3d 554, 560 (7th Cir. 2003); see also *United States v. Jones*, No. 21-3252, 2023 WL 1861317, at *10 (6th Cir. Feb. 9, 2023); cf. *Priestley v. Astrue*, 651 F.3d 410, 416 (4th Cir. 2011) (“The district court . . . has the authority to regulate [the unauthorized practice of law] through local rules and an array of appropriate sanctions.”). Thus, a court may resort to its inherent powers to sanction a person engaged in the unauthorized practice of law. *Johnson*, 327 F.3d at 560.

Having carefully reviewed Rudder’s brief and the record, we conclude that the district court did not abuse its discretion in imposing the sanctions.² See

² Rudder’s only argument is that the district court lacked authority to sanction him. To the extent he challenges the propriety of the sanctions for some other reason, he inadequately briefed this additional reason and therefore forfeited it. See *Rollins v. Home Depot USA*, 8 F.4th 393, 397 (5th Cir. 2021) (“A party forfeits an argument . . . by failing to adequately brief the argument on appeal.”); see also FED. R. APP. P. 28(a).

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Chambers, 501 U.S. at 55, 111 S. Ct. at 2138; Ben E. Keith Co. v. Dining All., Inc., 80 F.4th 695, 701–02 (5th Cir. 2023).

AFFIRMED.

Appendix B

**UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF TEXAS**

No. 5:23-mc-00004

IN RE LEVI RUDDER,

Filed: June 9, 2023

ORDER

For the reasons stated in the Court's show cause hearing on June 9, 2023, the Court finds that Levi Rudder has not shown good cause for engaging in the unauthorized practice of law and interfering with an ongoing criminal proceeding. Dkt. No. 4. As detailed during the hearing, the Court imposes the following sanctions:

1. Mr. Rudder is admonished that it is illegal to practice law and represent others without a law license, and he could be subject to additional sanctions for violation of this order and Local Civil Rule 83.7.
2. Mr. Rudder is ordered to cease his unauthorized practice of law and is warned that continued unauthorized practice of law will be a violation of this order and could result in being found in criminal contempt, resulting in fines or imprisonment.

3. A filing bar is imposed on Mr. Rudder in the United States District Court for the Northern District of Texas. The Clerk of Court shall accept no filing from Mr. Rudder—whether initiating new cases or filing motions in existing cases—without successfully moving for leave of court to do so. For any new cases, Mr. Rudder must both move for leave and pay any required filing fees Case 5:23-mc-00004-H Document 5 Filed 06/09/23 Page 2 of 2 PagelD 15 at the time he moves for leave. Any motion for leave to file must include the proposed filing as an attachment. The filing bar will not apply to Case Number 5:22-CV-325-C, which remains pending before this Court, until that case is closed.

4. Mr. Rudder is ordered to pay a monetary sanction in the amount of \$500.00. The fine must be paid no later than 60 days from today—August 8, 2023. The fine shall be paid to the U.S. District Clerk, 1205 Texas Ave, Room 209, Lubbock, Texas 79401. Partial payments may be made until August 8, at which time the fine must be paid in full.

5. A copy of this order is to be forwarded to the Unauthorized Practice of Law Committee of the State of Texas, P.O. Box 12487, Austin, Texas 78711-2487. The Clerk of Court is ordered to mail a copy of this order to Mr. Rudder at 7717 Milwaukee Ave. Ste. 500-401, Lubbock, Texas 79414 and [XXXX XX]th St., Lubbock, Texas 79424.

So ordered on June 9, 2023.

[handwritten: signature]

JAMES WESLEY HENDRIX

UNITED STATES DISTRICT JUDGE

**Additional material
from this filing is
available in the
Clerk's Office.**