

No. 24A998

**In The
Supreme Court of the United States**

**Ikechukwu Hyginus Okorie,
Petitioner,**

v.

**Kimberly R. Lentz, Trustee,
Respondent.**

**On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth
Circuit**

PETITION FOR A WRIT OF CERTIORARI

QUESTIONS PRESENTED

1. Does a pre-filing injunction that broadly restricts a litigant's access to the courts for all future claims violate the First Amendment's guarantee of the right to petition the government and the Fifth Amendment's due process protections, especially where less restrictive means are available?
2. Is it permissible for a court to impose sanctions and a pre-filing injunction based on allegations of bad faith without providing clear and convincing evidence, adequate notice of the claims, and meaningful opportunities for defense, consistent with procedural due process requirements?
3. Does a judge's failure to recuse himself, where his impartiality might reasonably be questioned due to being a defendant in a lawsuit filed by the litigant, violate the due

process guarantee of an impartial tribunal under the Fifth Amendment and the recusal standards of 28 U.S.C. § 455(a)?

PARTIES TO THE PROCEEDING

Petitioner: Ikechukwu Hyginus Okorie, who appeared pro se in the proceedings below.

Respondent: Kimberly R. Lentz, Trustee, who prevailed in the proceedings below.

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TABLE OF AUTHORITIES

- **Caperton v. A.T. Massey Coal Co.**, 556 U.S. 868 (2009)
- **Chambers v. NASCO, Inc.**, 501 U.S. 32 (1991)
- **Ferguson v. MBank Houston, N.A.**, 808 F.2d 358 (5th Cir. 1986)
- **Hilton v. Braunskill**, 481 U.S. 770 (1987)
- **Mathews v. Eldridge**, 424 U.S. 319 (1976)
- **United States v. Brocato**, 4 F.4th 296 (5th Cir. 2021)
- U.S. Const. amend. I
- U.S. Const. amend. V
- 28 U.S.C. § 455(a)

OPINIONS BELOW

- Fifth-Circuit unpublished opinion (Nov. 22 2024) – Pet. App. 1a.
- District-court order affirming bankruptcy sanctions (July 18 2024) – Pet. App. 15a.
- Bankruptcy-court sanctions order & pre-filing injunction (Mar. 25 2024) – Pet. App. 30a.

JURISDICTION

The Fifth Circuit entered its judgment on November 22, 2024. Petitioner invokes this Court's jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- **First Amendment:** "Congress shall make no law... abridging... the right of the people... to petition the Government for a redress of grievances."

- **Fifth Amendment:** "No person shall... be deprived of life, liberty, or property, without due process of law."
- **28 U.S.C. § 455(a):** Requires a judge to disqualify themselves in any proceeding where their impartiality might reasonably be questioned.

STATEMENT OF THE CASE

This petition arises from a decision by the United States Court of Appeals for the Fifth Circuit affirming sanctions and a sweeping pre-filing injunction imposed on Petitioner, a pro se litigant.

In March 2024, the bankruptcy court sanctioned Petitioner and imposed a pre-filing injunction, alleging repeated frivolous filings and collateral attacks on court orders. The district court affirmed, and the Fifth Circuit upheld the rulings, finding no abuse of discretion.

1. **The Pre-Filing Injunction:** The injunction bars Petitioner from filing any new lawsuits without prior judicial approval, effectively restricting access to the courts regardless of the merit of future claims. Petitioner contends that this broad restriction violates his First Amendment right to petition for redress and is not narrowly tailored as required by case law.
2. **Sanctions Proceedings:** The sanctions were imposed based on allegations of bad faith filings, but the bankruptcy court failed to provide adequate notice of the specific charges, sufficient opportunity for defense, or clear and convincing evidence of bad faith.
3. **Judicial Bias and Conflict of Interest:** Judge Starrett, who presided over key proceedings, did not recuse himself despite being a defendant in a related lawsuit filed by

Petitioner. This dual role creates a reasonable appearance of bias, undermining confidence in the impartiality of the proceedings.

REASONS FOR GRANTING THE WRIT

A. The Fifth Circuit's Misapplication of Access-to-Courts and First Amendment Standards

The pre-filing injunction is overbroad and infringes on Petitioner's First Amendment rights. This Court has held that restrictions on access to courts must be narrowly tailored and proportional to legitimate goals. The Fifth Circuit relied on **Ferguson**, but the injunction here fails to align with the principles in that case, as it imposes a blanket restriction on all filings without regard to merit or context.

B. Procedural Due Process Violations in Sanctions Imposition

The imposition of sanctions violated the Fifth Amendment's guarantee of due process. Under **Mathews v. Eldridge**, Petitioner was entitled to notice and a meaningful opportunity to defend against the charges. However, the bankruptcy court provided only vague allegations of bad faith and insufficient opportunity to rebut them. Moreover, under **Chambers v. NASCO**, clear and convincing evidence is required to justify sanctions for bad faith, which was not presented here.

C. Judicial Bias and Noncompliance with Recusal Standards

Judge Starrett's participation violated 28 U.S.C. § 455(a), which mandates recusal when impartiality might reasonably be questioned. The Fifth Circuit dismissed this concern, but under **Caperton v. A.T. Massey Coal Co.**, even the appearance of bias undermines due process. A

judge who is simultaneously a defendant in a litigant's lawsuit cannot reasonably be perceived as impartial.

D. Broader Implications for Constitutional Protections

This case presents an opportunity for the Court to clarify the limits of judicial authority to impose pre-filing injunctions and sanctions. It raises vital questions about the balance between protecting the judicial system from abuse and safeguarding litigants' constitutional rights. As more litigants increasingly rely on access to courts, the standards established in this case will have far-reaching implications.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant the petition for a writ of certiorari and review the judgment of the Fifth Circuit.

Respectfully submitted, Date: June 15, 2024



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CERTIFICATE OF SERVICE

I, Ikechukwu Okorie the undersigned hereby certifies that a copy of the foregoing in the above-captioned proceeding has been served this day by Federal Express and or by certified U.S. mail, and email krlentz@gmail.com, paul.murphy@butlersnow.com, and upon the parties.

Kimberly R. Lentz
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This 15th day of June, 2025.



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

United States Court of Appeals
Fifth Circuit

FILED

January 7, 2025

Lyle W. Cayce
Clerk

No. 24-60469

IN THE MATTER OF IKECHUKWU H. OKORIE

Debtor,

IKECHUKWU H. OKORIE,

Appellant,

versus

KIMBERLY R. LENTZ,

Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 2:24-CV-51

ON PETITION FOR REHEARING EN BANC

Before SMITH, STEWART, and DUNCAN, *Circuit Judges*.

PER CURIAM:

Treating the petition for rehearing en banc as a petition for panel rehearing (5TH CIR. R.40 I.O.P.), the petition for panel rehearing is DENIED. Because no member of the panel or judge in regular active

service requested that the court be polled on rehearing en banc (FED. R. APP. P.40 and 5TH CIR. R.40), the petition for rehearing en banc is DENIED.

United States Court of Appeals for the Fifth Circuit

No. 24-60469
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

November 22, 2024

Lyle W. Cayce
Clerk

IN THE MATTER OF IKECHUKWU H. OKORIE

Debtor,

IKECHUKWU H. OKORIE,

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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.

IT IS FURTHER ORDERED that appellant pay to appellee the costs on appeal to be taxed by the Clerk of this Court.

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.