

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PINAL

FILED

MISTI YOUTSEY RUIZ
CLERK-SUPERIOR COURT

Date 2/05/09
Time 10:50 am
By MK

IN THE MATTER OF PROHIBITING)
MELINDA G. VALENZUELA (AKA)
QUENNEL DEVON GLOVER (AKA)
ENRIQUE GABRIELLE MENDEZ)
(AKA) JASMINE SKY MARTINEZ)
(AKA) ENRIQUE GABRIELLE)
MENDEZ VALENZUELA FROM)
FILING ANY LAWSUIT IN PINAL)
COUNTY WITHOUT OBTAINING)
PRIOR PERMISSION FROM THE)
COURT)
_____)

ADMINISTRATIVE ORDER

NO. 2009-0043

This matter was referred to the Presiding Civil Court Judge of the Superior Court of Arizona in Pinal County who was delegated full administrative authority to issue this Administrative Order by the Presiding Judge of the Superior Court of Arizona in Pinal County, the Honorable Robert Carter Olson.

This Order arose as a result of a motion filed by defendant in Pinal County Cause CV 200803149, in which Plaintiff Melinda G. Valenzuela, also known as Quennel Devon Glover, Enrique Gabrielle Mendez, Jasmine Sky Martinez, Enrique Gabrielle Mendez Valenzuela, and other aliases, hereafter referred to as plaintiff, was granted an opportunity to respond to defendant's motion for entry of vexatious litigant order against plaintiff. This court considered the arguments submitted and granted the motion.

Upon full review of the record, the court finds plaintiff has been a named party in over 100 civil court cases in the Superior Court of Arizona, mostly as plaintiff, since 2002. A review of the case dispositions indicate that the overwhelming majority of cases ended in a decision of dismissal or abandonment. Actions typically ended in a dismissal for failure to state a claim upon which relief can be granted.

In determining whether the court should issue orders to curtail wasteful litigation and motion practice and in reviewing the plaintiff's request for a deferral of fees as well as the plaintiff's prior litigation history, the court relies on its inherent authority to screen cases to insure the orderly administration of justice. A court's inherent authority "may

be defined as such powers as are necessary to the ordinary and efficient exercise of jurisdiction." *State v. Superior Court*, 39 Ariz. 242, 247-48, 5 P.2d 192, 194 (1931.)

As the court stated in *Acker v. CSO Chevira*, 188 Ariz. 252, 934 P.2d 816 (1997), a court's inherent authority is largely unwritten; appellate affirmation of an exercise of that authority is ordinarily grounded on trial court findings and conclusions which explain its actions. In *Jones v. Warden of Statesville Correctional Center*, 918 F.Supp. 1142, 1153 and 1156 (N.D.Ill.1995), the federal court held that the inmate's access to the courts could be severely curtailed because he had proven himself to be a "recreational litigant" who "repeatedly and flagrantly abused the judicial process by inundating the courts with frivolous and repetitive lawsuits."

Given plaintiff's propensity to file lawsuits with no discernable outcome, and given the plainly frivolous nature of the complaints and the conduct of plaintiff in pursuing litigation, this court finds plaintiff to be a vexatious litigant.

In finding plaintiff vexatious, the court must tailor its Order only so much as needed to curtail plaintiff's inappropriate conduct. Based on the court's review of the record, the court believes that the only order that will adequately address plaintiff's litigiousness is an Order prohibiting plaintiff from filing any lawsuit in Pinal County without obtaining permission from the Presiding Civil Court Judge of Pinal County.

IT IS THEREFORE ORDERED that any motion for leave to file by or on behalf of plaintiff shall be captioned, "Application Pursuant to Court Order Seeking Leave to File." Plaintiff must either cite this Order in such application, or attach as an exhibit a copy of this Order. In seeking leave to file, plaintiff is required to certify under penalty of perjury that the claim or claims he wishes to present are new claims never before raised and disposed of by any other court, within or outside Pinal County. Plaintiff also must certify that the claims are neither frivolous nor made in bad faith.

This Order does not prohibit plaintiff from responding to any litigation in which Plaintiff is a named defendant.

IT IS FURTHER ORDERED:

1. The person now acting under the name of Melinda G. Valenzuela and referred throughout this Order as plaintiff, but regardless of what future name or alias that person may use in the future, may not file and the Clerk of Court nor the Clerk of any Justice Court in Pinal County shall not accept any new causes of action from the date of this Order without leave of the court. If plaintiff wishes to file a new cause of action, plaintiff shall submit the proposed filing to the Presiding Civil

Court Judge, along with a copy of this order and a proposed form of order for the court's signature. If an Order of approval by the Presiding Civil Judge for filing the new action is granted, the Clerk of Court may accept subsequent filings only as relate to that new cause number from plaintiff.

2. The Clerk of Court may only receive and file documents from plaintiff relating to any cause numbers pending as of the date of this Order. Prior approval of the Presiding Judge is not required for such filings. Plaintiff is advised, however, that if plaintiff files vexatious, frivolous, scandalous, impertinent, or otherwise inappropriate matters, the court will place the pre-approval requirement for all filings in all cases, regardless of whether pending at the time of the entry of this Order.
3. This pre-approval requirement of the Presiding Civil Court Judge also applies to any new cause of actions which plaintiff desires to file in any Justice of the Peace Courts in Pinal County.

DATED this 5th day of February, 2009.



WILLIAM J. O'NEIL
Presiding Civil Judge

APPROVED as to form and substance.



ROBERT CARTER OLSON
Presiding Judge

Original: Clerk of the Superior Court

Copies: Kristy Youtsey Ruiz, Clerk of Court
Hon. Gilberto V. Figueroa, Associate Presiding Judge
Hon. Boyd T. Johnson, Presiding Criminal Court Judge
Hon. Stephen F. McCarville, Presiding Juvenile Judge
Hon. Kevin D. White, Presiding Family Court Judge
Stephanie A. Jordan, Deputy Court Administrator
Melinda G. Valenzuela