

SUPREME COURT OF OKLAHOMA

In re Creation of Rule 1.18 of the Oklahoma Supreme Court Rules

2019 OK 38 (Okla. 2019) · Decided May 20, 2019

SUMMARY

The Oklahoma Supreme Court created Rule 1.18 of the Oklahoma Supreme Court Rules concerning prisoner filings and frivolous or malicious appeals and original actions. The rule restricts proceeding without prepayment of fees for prisoners with three or more qualifying prior dismissals, subject to an immediate-danger exception, and establishes procedures for registry checks and show-cause review.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Gurich, C.J.; Darby, V.C.J.; Kauger, J.; Winchester, J.; Edmondson, J.; Colbert, J.; Combs, J.
JURISDICTION	Oklahoma
DECIDED	May 20, 2019
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Oklahoma exercised its rulemaking authority to create Rule 1.18 of the Oklahoma Supreme Court Rules concerning prisoner filings, frivolous or malicious appeals, and original actions.
PRECEDENTIAL VALUE	The opinion is a rulemaking order adopting a court rule rather than an adjudication of a litigated dispute. The source labels it as not yet released for publication and subject to revision or withdrawal.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Supreme Court of Oklahoma should create Rule 1.18 governing fee prepayment, registry review, and summary dismissal procedures for qualifying prisoner filings, appeals, and original actions.

HOLDINGS

1. Rule 1.18 is created and made effective immediately. A prisoner with three or more qualifying prior dismissals may not proceed in a civil matter, original action, or appeal without prepaying all required fees unless the prisoner is under immediate danger of serious physical injury.

KEY QUOTATIONS

“Rule 1.18 of the Oklahoma Supreme Court Rules, as shown on the attached Exhibit “A”, is hereby created, effective immediately.”

“If the prisoner fails to show adequate cause, the matter shall be summarily dismissed by order of the Chief Justice.”

FACTUAL BACKGROUND

The opinion concerns the administration of prisoner civil filings, appeals, and original actions. It addresses prisoners who have accumulated three or more prior dismissals in state or federal court for frivolousness, maliciousness, or failure to state a claim, while preserving an exception for prisoners facing immediate danger of serious physical injury.

PROCEDURAL HISTORY

The court adopted Rule 1.18 by order entered in conference on May 20, 2019. The rule was made effective immediately and attached as Exhibit A to the order.

DISPOSITION

other

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