

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

[civil procedure](#) [appellate procedure](#)

PRACTICE AREAS

[civil procedure](#) [appellate procedure](#)

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

OPINION

PER CURIAM.

IN RE CREATION OF RULE 1.18 OF OKLAHOMA SUPREME COURT RULES Skip to Main Content Accessibility Statement Help Contact Us e-payments Careers Home Courts Decisions Programs News Legal Research Court Records Quick Links OSCN Found Document:IN RE CREATION OF RULE 1.18 OF OKLAHOMA SUPREME COURT RULES Previous Case Top Of Index This Point in Index Citationize Next Case Print Only IN RE CREATION OF RULE 1.18 OF OKLAHOMA SUPREME COURT RULES2019 OK 38Decided: 05/20/2019THE SUPREME COURT OF THE STATE OF OKLAHOMA Cite as: 2019 OK 38, __ P.3d __ NOTICE: THIS OPINION HAS NOT BEEN RELEASED FOR PUBLICATION.

UNTIL RELEASED, IT IS SUBJECT TO REVISION OR WITHDRAWAL. In re: Creation of Rule 1.18 of the Oklahoma Supreme Court Rules Concerning Prisoner Filings ORDER Rule 1.18 of the Oklahoma Supreme Court Rules, as shown on the attached Exhibit "A", is hereby created,

effective immediately. DONE BY ORDER OF THE SUPREME COURT IN CONFERENCE this 20th day of May, 2019. /S/VICE CHIEF JUSTICE Gurich, C.J., Darby, V.C.J., Kauger, Winchester, Edmondson, Colbert and Combs, JJ., concur.

Exhibit "A" RULE 1.18 - PRISONER FILINGS, FRIVOLOUS OR MALICIOUS APPEALS AND ORIGINAL ACTIONS A prisoner who has, on three or more prior occasions, while incarcerated or detained in any facility, or while on probation or parole, brought an action or appeal in a court of this state or a court of the United States that has been dismissed on the grounds that the case was frivolous, or malicious, or failed to state a claim upon which relief could be granted, may not proceed in a matter arising out of a civil case, or upon an original action or on appeal without prepayment of all fees required by law, unless the prisoner is under immediate danger of serious physical injury.

57 O.S. § 566.2(A). The court administrator of the Oklahoma courts shall maintain a registry of those prisoners who have had any cases dismissed as frivolous or malicious or for failure to state a claim upon which relief can be granted. 57 O.S. § 566.2(8). When a prisoner files an appeal or original action, the Clerk of the Supreme Court shall check the prisoner's name with the Registry of Frivolous or Malicious Appeals to determine if that prisoner already appears three or more times on the Registry.

When a prisoner who appears three or more times on the Registry of Frivolous or Malicious Appeals initiates an original action or an appeal filed with the Supreme Court without prepayment of all fees required by law, the Clerk shall file and docket the original action or appeal and forward the filings to the Chief Justice for review.

The Supreme Court will direct the prisoner to show cause why the matter should be allowed to proceed without prepayment of all fees as required by law. 57 O.S. § 566.2(A). If the prisoner fails to show adequate cause, the matter shall be summarily dismissed by order of the Chief Justice. Citationizer© Summary of Documents Citing This Document Cite Name Level Title 12.

Civil Procedure CiteNameLevel 12 O.S. RULE 1.18, PRISONER FILINGS, FRIVOLOUS OR MALICIOUS APPEALS AND ORIGINAL ACTIONSCited Citationizer: Table of Authority Cite Name Level None Found. oscn EMAIL: webmaster@oscn.net Oklahoma Judicial Center 2100 N Lincoln Blvd. Oklahoma City, OK 73105 courts Supreme Court of Oklahoma Court of Criminal Appeals Court of Civil Appeals District Courts decisions New Decisions Supreme Court of Oklahoma Court of Criminal Appeals Court of Civil Appeals programs The Sovereignty Symposium Alternative Dispute Resolution Early Settlement Mediation Children's Court Improvement Program (CIP) Judicial Nominating Commission Certified Courtroom Interpreters Certified Shorthand Reporters Accessibility ADA Contact Us Careers Accessibility ADA

