

UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

In re Stanley Price

No. 20-30419, United States Court of Appeals for the Fifth Circuit (May 3, 2021)

SUMMARY

The Fifth Circuit denied Stanley Price’s motion to proceed in forma pauperis and dismissed his appeal as frivolous, upholding the district court’s pre-filing injunction that required Price to obtain court authorization before filing future actions. The court held that the right of access to courts is not absolute and that barring a litigant from filing without consent is an appropriate sanction for filing multiple meritless lawsuits, especially against judges entitled to absolute immunity. Key topics include pre-filing injunctions, frivolous appeals, judicial immunity, and the Baum factors for evaluating such restrictions.

CASE DETAILS

COURT	United States Court of Appeals for the Fifth Circuit
WRITING FOR THE COURT	Dennis; Southwick; Engelhardt
JURISDICTION	Federal
DECIDED	May 3, 2021
DOCKET	20-30419
DISPOSITION	dismissed
PROCEDURAL POSTURE	Appeal from an order of the district court imposing filing restrictions, with motion for leave to proceed in forma pauperis.
STANDARD OF REVIEW	Abuse of discretion for the filing restrictions; good faith standard for IFP certification (whether the appeal involves legal points arguable on their merits).
PRECEDENTIAL VALUE	unpublished
PARTIES	Stanley Price

TOPICS

- sanctions
- appellate procedure
- standard of review
- civil procedure
- constitutional law

PRACTICE AREAS

- Appellate Procedure
- Civil Procedure
- Sanctions

QUESTIONS PRESENTED

1. Whether the filing restrictions violate the constitutional right of access to the courts.
2. Whether the district judge should recuse herself based on alleged bias.
3. Whether the district court abused its discretion in imposing the pre-filing injunction.

HOLDINGS

1. The filing restrictions do not violate the constitutional right of access to the courts because the right is neither absolute nor unconditional, and there is no constitutional right to prosecute a frivolous or malicious action. Barring a litigant from filing future complaints without court consent is an appropriate sanction for filing multiple meritless lawsuits.
2. Price's assertions of judicial bias based on adverse rulings and orders are unavailing because judicial rulings, standing alone, almost never constitute a valid basis for recusal.
3. The district court did not abuse its discretion because it explicitly considered the relevant Baum factors (history of litigation, good faith basis, burden on courts, adequacy of alternative sanctions) and other circumstances, and Price made no showing of abuse.

KEY QUOTATIONS

“The right of access to the courts is neither absolute nor unconditional and there is no constitutional right of access to the courts to prosecute an action that is frivolous or malicious.” (at 2)

“Our inquiry into whether the appeal is taken in good faith is limited to whether the appeal involves legal points arguable on their merits (and therefore not frivolous).” (at 2)

“a court must weigh all the relevant circumstances, including the following factors: (1) the party’s history of litigation, in particular whether he has filed vexatious, harassing, or duplicative lawsuits; (2) whether the party had a good faith basis for pursuing the litigation, or simply intended to harass; (3) the extent of the burden on the courts and other parties resulting from the party’s filings; and (4) the adequacy of alternative sanctions.” (at 3)

FACTUAL BACKGROUND

Stanley Price has a history of filing civil actions against federal and state judges based on their unfavorable judicial decisions, despite being aware of judicial immunity. The district court imposed a pre-filing injunction requiring him to obtain authorization from a district judge before filing any future lawsuits. Price appealed the order and moved to proceed in forma pauperis.

PROCEDURAL HISTORY

The district court for the Eastern District of Louisiana imposed a pre-filing injunction on Stanley Price due to his pattern of filing meritless lawsuits against judges. Price appealed the order and moved for leave to proceed IFP. The district court certified the appeal as not taken in good faith.

DISPOSITION

dismissed

CASES CITED

- Mays v. Sudderth, 97 F.3d 107 (5th Cir. 1996)
- Pierson v. Ray, 386 U.S. 547 (1967)
- Baugh v. Taylor, 117 F.3d 197 (5th Cir. 1997)
- Howard v. King, 707 F.2d 215 (5th Cir. 1983)
- Ryland v. Shapiro, 708 F.2d 967 (5th Cir. 1983)
- Baum v. Blue Moon Ventures, LLC, 513 F.3d 181 (5th Cir. 2008)
- Balawajder v. Scott, 160 F.3d 1066 (5th Cir. 1998)
- Liteky v. United States, 510 U.S. 540 (1994)
- Morrow v. FBI, 2 F.3d 642 (5th Cir. 1993)
- Qureshi v. United States, 600 F.3d 523 (5th Cir. 2010)

OPINION

PER CURIAM.

Case: 20-30419 Document: 00515845507 Page: 1 Date Filed: 05/03/2021 United States Court of Appeals for the Fifth Circuit United States Court of Appeals Fifth Circuit FILED May 3, 2021 No. 20-30419 Lyle W. Cayce Summary Calendar Clerk In re: Stanley Price, Appellant. Appeal from the United States District Court for the Eastern District of Louisiana USDC No. 2:20-MC-1448 Before Dennis, Southwick, and Engelhardt, Circuit Judges.

Per Curiam:* Stanley Price moves for leave to proceed in forma pauperis (IFP) in this appeal from an order of the district court that prohibits future filings and/or submissions made by or on behalf of Price unless he first obtains authorization from a district judge.

As noted by the district court, Price has developed a pattern of filing civil actions against federal and state judges based on their unfavorable judicial decisions, and he has done so even though he has been made aware that “judges enjoy absolute immunity for judicial acts performed in judicial proceedings.” Mays v. Sudderth, 97 F.3d 107, 110 (5th Cir. 1996) (citing Pierson v. Ray, 386 U.S. 547, 553-54 (1967)). * Pursuant to 5th Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Circuit Rule 47.5.4.

Case: 20-30419 Document: 00515845507 Page: 2 Date Filed: 05/03/2021 No. 20-30419 By moving to proceed IFP on appeal, Price has challenged the district court’s certification that the appeal is not taken in good faith. Baugh v. Taylor, 117 F.3d 197, 202 (5th Cir. 1997). Our inquiry into whether the appeal is taken in good faith “is limited to whether the appeal involves legal

points arguable on their merits (and therefore not frivolous).” *Howard v. King*, 707 F.2d 215, 220 (5th Cir.

1983) (internal quotation marks and citations omitted). If we uphold the district court’s certification that the appeal is not taken in good faith, Price must pay the appellate filing fee or the appeal will be dismissed for want of prosecution. See *Baugh*, 117 F.3d at 202. Alternatively, “where the merits are so intertwined with the certification decision as to constitute the same issue,” we may deny the IFP motion and dismiss the appeal sua sponte if it is frivolous.

Id. at 202 & n.24; see 5th Cir. R. 42.2. Price contends that the filing restrictions infringe on his constitutional rights. We have recognized a constitutional right of access to the courts, see *Ryland v. Shapiro*, 708 F.2d 967, 971-73 (5th Cir. 1983).

However, “[t]he right of access to the courts is neither absolute nor unconditional and there is no constitutional right of access to the courts to prosecute an action that is frivolous or malicious.” *Baum v. Blue Moon Ventures, LLC*, 513 F.3d 181, 193 (5th Cir. 2008) (internal quotation marks and citation omitted). Further, we have determined that barring a litigant from filing future complaints without the consent of the court is an appropriate sanction for filing multiple meritless lawsuits.

See *Balawajder v. Scott*, 160 F.3d 1066, 1067 (5th Cir. 1998). Next, Price contends that the district judge who issued the instant sanction order is personally biased against him, and he argues that the judge has violated her oath of office because she has allowed judicial officials to violate his rights; further, he contends that the judge should recuse herself from hearing any cases involving him or his family.

However, Price’s assertions of judicial bias are seemingly based on the orders issued in the 2 Case: 20-30419 Document: 00515845507 Page: 3 Date Filed: 05/03/2021 No. 20-30419 instant case, as well as adverse judicial rulings issued by other judges in cases already concluded. Price’s contentions are thus unavailing, as judicial rulings, standing alone, almost never constitute a valid basis for recusal.

See *Liteky v. United States*, 510 U.S. 540, 555 (1994). Finally, when his pro se filings are liberally construed, see *Morrow v. FBI*, 2 F.3d 642, 643 n.2 (5th Cir. 1993), Price seems to contend that the district court abused its discretion in imposing the filing restrictions. He asserts that other judges did not conclude that sanctions were warranted.

In determining whether to impose a pre-filing injunction, “a court must weigh all the relevant circumstances,” including the following factors: (1) the party’s history of litigation, in particular whether he has filed vexatious, harassing, or duplicative lawsuits; (2) whether the party had a good faith basis for pursuing the litigation, or simply intended to harass; (3) the extent of the burden on

the courts and other parties resulting from the party's filings; and (4) the adequacy of alternative sanctions.

Baum, 513 F.3d at 189. Here, the district court explicitly considered the enumerated factors, and it also took into account other relevant circumstances. Price has made no showing that the district court abused its discretion in deciding to issue a pre-filing injunction. See *Qureshi v. United States*, 523, 524 (5th Cir. 2010). Price has not demonstrated that his appeal involves "legal points arguable on their merits." Howard, 707 F.2d at 220.

Thus, his motion for leave to proceed IFP is DENIED, and the appeal is DISMISSED as frivolous. See *Baugh*, 117 F.3d at 202 & n.24; 5th Cir. R. 42.2. 3