

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PRECEDENTIAL VALUE	unpublished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)