

**SAMPLE GATEKEEPER ORDER IN RESPONSE  
TO FRIVOLOUS AND GROUNDLESS FILINGS**

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*Note: This sample order is provided as a guide to writing a gatekeeper order — a prefiling injunction — when someone has persistently and consistently abused the judicial process by filing frivolous or groundless documents. The circumstances described in this sample are the kind that will be seen when the offender adheres to “sovereign citizen” views about the illegitimacy of the court system and believes that various kinds of pseudo-legal sounding documents can preserve misconceived “common law” rights. This sample is intended only to illustrate the kinds of findings and conclusions that might be applicable in such a case. Of course, each individual case needs to be considered and decided on its own merits, and the findings of fact and conclusions of law need to be tailored to that particular situation.*

STATE OF NORTH CAROLINA  
JUSTICE COUNTY

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
12 CVS 02887

In re S.V. Citizen, Respondent )

ORDER IMPOSING A  
PREFILING INJUNCTION

THIS MATTER is before the court on the court’s own motion to consider the entry of a prefiling injunction, also known as a gatekeeper order, regulating the filing of documents in the General Court of Justice by respondent S. V. Citizen. The court has previously provided notice to respondent of the proposed order, and the basis for its issuance, and has provided respondent a full and fair opportunity to dispute both the basis for entry of this order and the terms of the order. Although entry of a prefiling injunction is an extraordinary remedy, it is within the inherent authority of the court when necessary to preserve the orderly and efficient administration of justice and when a lesser remedy is not available or likely to provide adequate protection for litigants and court officials affected by the frivolous and groundless filings. Having

fully considered the evidence in this matter, including the numerous filings of respondent, and having heard and given full consideration to the arguments of respondent, the court now enters this ORDER, based on the following findings of fact and conclusions of law.

#### FINDINGS OF FACT

1. Respondent S. V. Citizen is an adult citizen and resident of Justice County who is competent to understand the rules and procedures governing court proceedings and the filing of documents, and competent to understand directions from court officials concerning those matters.
2. Respondent, proceeding pro se, has filed numerous documents with the court over the last 18 months, including the following:
  - a. A “Common Law Copyright Notice”, filed March 8, 2011, as 11 CVS 00689.
  - b. An “Affidavit of Citizenship and Domicile”, filed March 8, 2011, as 11 CVS 00690.
  - c. A “Registered Warrant Claim for Trust Special Deposit”, filed April 15, 2011, as 11 CVS 00821.
  - d. A “Legal Notice: Right to Travel,” filed April 15, 2011, as 11 CVS 00822.
  - e. An “Affidavit of Specific Negative Averment, Opportunity to Cure, and Counterclaim”, filed June 20, 2011, in State v. Citizen, 11 CRS 02995.
  - f. Various documents entitled “Negative Averment”, filed in July and August, 2011, in State v. Citizen, 11 CRS 02995.
  - g. A “Notice of International Commercial Claim Within The Admiralty ab initio Administrative Remedy”, filed October 27, 2011, in Gibbons, et al., v. Citizen, 11 CVS 00766.
  - h. An “Express Specific Reservations of Rights”, filed November 15, 2011, in Gibbons, et al., v. Citizen, 11 CVS 00766.
  - i. A “Certification of Non-Response”, filed November 16, 2011, in Gibbons, et al., v. Citizen, 11 CVS 00766.
  - j. An invoice for \$20 million delivered to the Justice County Clerk of Court on January 9, 2012, but not filed with a case number.
  - k. A copy of the court’s Order Granting Motion for Judgment on the Pleadings in First Flight Bank v. Citizen, 10 CVS 00448, filed by respondent on January 9,



- c. The copy of the court order granting judgment against respondent in *First Flight Bank v. Citizen* that respondent filed with the clerk in January 2012 had these words stamped across the document in red ink: "Accepted for Value and Returned for Closure and Discharge without Dishonor and Without Recourse for Me. Failure to State a Claim on which Relief can be Granted." Respondent's signature was below the stamped words. It appears that respondent intends by this means to assert that respondent is not obligated to pay the judgment entered by the court. The words stamped on the order, while having a legal tone, are meaningless and ineffective in the context in which respondent has used them. Once again, respondent has filed a document that has no valid legal basis and appears to be premised on a strange view respondent holds as to how the law works. Moreover, in this instance the document is filed in direct defiance of the court's order and pronounces the intent to avoid complying with the law.
4. There is no need to describe in detail the similar nature of the other documents filed by respondent and listed above. The titles respondent has given to the documents establish their frivolous and groundless nature. Suffice it to say that the remainder of the documents filed by respondent are of the same character as the several just described.
5. During the same time period that respondent filed the documents listed above respondent has not filed any legitimate documents with the court.
6. The documents filed by respondent are replete with pseudo-legal terminology that appears to be intended to either impress or scare the naïve reader.
7. The principal aim of the documents filed by respondent is for respondent to avoid responsibility for respondent's actions, to intimidate court officials and parties who oppose respondent, and ultimately to evade the jurisdiction of the court.
8. When questioned by employees in the clerk's office about the nature of documents being filed, respondent has been argumentative and abusive. Respondent has spoken in a raised voice and appeared greatly agitated and has accused those employees of being part of some undefined conspiracy to deny rights to respondent. Respondent has told the employees that they "will be held accountable" and has done so in a way that the employees have been frightened for their safety.

9. Respondent's misuse of the judicial process has resulted in a significant burden to court officials and litigants who oppose respondent. Respondent's frivolous and groundless filings require employees of the clerk's office and judges to sort through many pages of meaningless words to determine respondent's assertions and to assess what action to take. Litigants are faced with the time and expense of responding to, or seeking dismissal of, documents that purport to assert nonexistent rights or claims.
10. No legitimate legal purpose is served by respondent's filings. The purpose, rather, appears to be harassment and annoyance. The result is delay and needless increase in the cost of litigation.
11. Respondent appears to act upon a mistaken view of the world in which this court system and, indeed, the entire current federal, state and local government structure lacks legitimacy and in which some alternative "common law" prevails.
12. Respondent has offered no reasonable explanation for the frivolous and groundless filings and has shown no regret at the burden placed on court officials and litigants.
13. Respondent has offered no explanation to the court to suggest that respondent is acting in good faith.
14. Although respondent has been admonished on various occasions by the undersigned and other judges about these filings, respondent has persisted in filing such documents and is either unable or unwilling to follow the law. There is no reason to believe that respondent will desist from unduly burdening the court and litigants without further directive from the court.
15. If respondent were an attorney, respondent would have been disbarred by the court or the State Bar.
16. Respondent has not offered to the court any alternative other than a pre-filing injunction to prevent the abuses described above.

## CONCLUSIONS OF LAW

1. The court has the inherent authority, and the obligation, to safeguard the judicial process to protect the fairness of the process for all citizens and to prevent abuse and harassment of litigants and court officials and needless expense.
2. The court has the authority to limit the ability of an abusive litigant to file frivolous and groundless documents with the court, as well as the authority to impose other sanctions for such actions.
3. Respondent's numerous frivolous and groundless filings have caused undue delay in cases, disrupted the orderly administration of justice, and imposed needless increases in the cost of litigation.
4. There is no remedy short of a prefiling injunction to prevent respondent's abuse of the system and harassment and annoyance of court officials and litigants.
5. A prefiling injunction is necessary to prevent respondent's further abuse of the judicial process and respondent's harassment of court officials and litigants.
6. Respondent's right of access to the courts for legitimate purposes can be preserved through a process that requires the respondent to give notice and receive permission from the court before filing.
7. A prefiling injunction is the least restrictive alternative available to the court.

## ORDER

NOW, THEREFORE, based on the preceding findings of facts and conclusions of law, the court orders as follows:

1. Respondent S.V. Citizen is enjoined from filing any document with the clerk of court for Justice County without the prior approval of the court as described below.

2. If respondent S.V. Citizen wishes to file a document with the clerk of court Citizen shall notify the senior resident superior court judge in writing. Citizen must state in writing the nature of the filing and its legal basis and shall include a copy of the proposed filing. Citizen shall notify the senior resident superior court judge in writing of any applicable statute of limitations or approaching deadline that needs to be considered.
3. The clerk of court shall not accept any filing from respondent Citizen unless it is accompanied by confirmation from the senior resident superior court judge, or another judge delegated by the senior resident superior court judge to handle such matter, that the filing has been approved.
4. In the alternative, respondent Citizen may submit the proposed filing to a lawyer licensed to practice in this jurisdiction. If the lawyer certifies in writing that the lawyer has read and is familiar with this order; that the lawyer has reviewed carefully the document Citizen wishes to file; that the lawyer has investigated the matter sufficiently to determine that there is a legitimate lawful basis for the filing; that the lawyer believes the document is being filed in good faith; and that the lawyer does not believe the filing to be frivolous or nonsensical and does not believe that it is being filed for the purpose of harassment or intimidation or to evade legal responsibility; then the clerk may accept such filing. In that circumstance the clerk shall file the lawyer's certification with respondent Citizen's document. Such certification by a lawyer shall not be construed as the establishment of an attorney-client relationship between the lawyer and Citizen.
5. If the court approves the filing of an action by respondent, the court may consider imposition of a prosecution bond pursuant G.S. 1-109 in an amount exceeding \$200.
6. Should respondent succeed, despite this order, in filing any document with the court without the required approval, the clerk of court shall notify the court and is authorized to remove the document from the file and strike references to it.

7. A violation of this order by respondent Citizen, or by any person acting on behalf of or in concert with respondent, shall be considered contempt and may be sanctioned accordingly. In addition, to the extent that Rule 11 of the Rules of Civil Procedure apply to any filing by respondent, the court may impose sanctions allowed by that rule, including the imposition of attorney's fees. The court also may impose any other sanction available to it through statute, rule or the inherent authority of the court.
8. This order shall remain in effect until vacated by the court. At any time beginning one year from the entry of this order, respondent may petition to have it modified or vacated.
9. A copy of this order shall be delivered to the clerk of court.
10. A copy of this order shall be sent to each litigant in any pending matter involving respondent.
11. The sheriff of Justice County shall serve this order on respondent Citizen by personal delivery and shall submit a return of service to the court.

SO ORDERED, this \_\_\_\_\_ day of August 2012.

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I.M. Thelaw  
Judge of Superior Court