

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS**

WACO DIVISION

**GREG ABBOTT,
Office of the Attorney General,
State of Texas,
Plaintiff,**

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v.

CIVIL ACTION NO. W-08-CA-010

**DANIEL SIMON,
Defendant**

v.

**BARBARA CASEBOLT, DON
HIGGINBOTHAM, JOHN MCMASTER,
and MICHAEL LEVITT,
Third Party Defendants.**

ORDER

Came on this date to be considered the Motion for Sanctions filed by Third Party Defendants Judge Don Higginbotham and Judge John McMaster. Having reviewed the motion, Defendant Daniel Simon's response, the entire file in this case, and the litigation histories of Daniel Simon and Charles Lincoln, the Court is persuaded the motion is meritorious and should be granted. It is clear from a review of the pleadings in this case and the pleadings in other cases filed in or removed to

federal courts in the Western and Southern Districts of Texas, or filed in state court in Williamson County, that Charles Lincoln has spearheaded efforts to have the Texas Family Code declared unconstitutional. He has enlisted the assistance of numerous *pro se* litigants, including Defendant Daniel Simon, who continue to prosecute baseless claims against state officials.

The Court finds that Defendant Simon and his *de facto* attorney Charles Lincoln have engaged in harassment of public officials by filing numerous frivolous lawsuits and removals to the federal courts in the Western and Southern Districts of Texas, including the above numbered cause. The Court finds that sanctions are appropriate and necessary to deter future sanctionable conduct by Defendant Simon and/or Lincoln. Accordingly, it is

ORDERED that Defendant Daniel Simon and Charles Lincoln are jointly and severally sanctioned in the amount of \$150,000 because of their pattern of harassing litigation. It is further

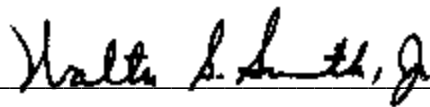
ORDERED that any lawsuits either filed or removed to any federal court in the Western District of Texas by Daniel Simon and/or Charles Lincoln are hereby **DISMISSED** with prejudice. It is further

ORDERED that Daniel Simon and Charles Lincoln are prohibited from filing any further pleadings or lawsuits in any federal court in Texas, or removing any

Texas state case to federal court, until the sanctions have been wholly paid into the registry of the court, or unless leave of court is first granted.

The Clerk of the Court is directed to forward a copy of this Order to the Clerks of Court for the Northern, Eastern and Southern Districts of Texas.

SIGNED on this 25th day of March, 2008.

A handwritten signature in black ink, reading "Walter S. Smith, Jr.", is written over a horizontal line.

WALTER S. SMITH, JR.
CHIEF UNITED STATES DISTRICT JUDGE