

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

**IN RE: KEEBLE DONALE
WALKER**

)
)
)
)

G.O. 11-04

GENERAL ORDER

On May 6, 2011, an Opinion and Order (Docket No. 7) was entered in Case No. CIV-10-477-JHP which imposed certain filing restrictions upon Keeble Donale Walker (“Walker”). This General Order sets forth, as a sanction upon Walker to prevent further frivolous filings, the procedure with which Walker must comply in submitting certain pleadings to this Court for consideration for filing. The restricted filing procedure is as follows:

1. With respect to any pro se pleading, Walker is required to submit to the Clerk of this Court, an “Application and Affidavit” for a proposed filing, with the “Proposed Pleading,” attached as an exhibit. The Application and Affidavit should request permission of the Court to file the Proposed Pleading and should also contain the information detailed in paragraph two (2), below.
2. The Application and Affidavit must contain Walker’s statement, under penalty of perjury pursuant to 28 U.S.C. § 1947, in proper form, which includes:
 - (a) the legal basis for the Proposed Pleading;
 - (b) the specific factual basis for the Proposed Pleading;
 - (c) a statement that the issues raised in the Proposed Pleading have never been finally disposed of by any federal or state court and are not barred by the doctrines of res judicata or collateral estoppel;

- (d) the identity and nature of assistance by any third person in preparing the Proposed Pleading;
- (e) a statement that the factual allegations and/or legal arguments raised by the Proposed Pleading are
 - (i) not frivolous or made in bad faith,
 - (ii) warranted by existing law,
 - (iii) not made for an improper purpose to cause delay or needless increase in costs, and
 - (iv) not made to avoid any order of any court;
- (f) a list of all witnesses and attachment of all documents which support the factual allegations of the Proposed Pleading; and
- (g) the Proposed Pleading which Walker is requesting that the Court file (attached as an Exhibit to the Application and Affidavit).

The Application and Affidavit for Filing shall be scanned and numbered by the Clerk of the Court. However, the Application and Affidavit for Filing shall not be accepted for filing unless it is approved by Order of the Chief Judge or the Chief Judge's designee.

3. The Application and Affidavit, or any documents or pleadings submitted by Walker to the Clerk of the Court, shall be referred to a United States Magistrate Judge to determine whether the documents or proposed pleadings meet the requirements outlined in paragraph one. The Report and Recommendation of the Magistrate Judge shall be filed of record and reviewed by the Chief Judge, or by a judge designated by the Chief Judge. Walker is permitted, in accordance with the standard rules providing for objections to a Report and Recommendation, to submit an Objection to the filed Report and


Recommendation. The Court Clerk shall file of record any such Objection to the Report and Recommendation in the miscellaneous case established pursuant to this General Order.


4. The Chief Judge or the Judge designated to review the Report and Recommendation shall review the Objection filed by Walker, if any, and the Report and Recommendation, and determine whether or not the Proposed Pleading, attached as an exhibit to the Application and Affidavit, or any other document submitted by Walker shall be filed. Absent the approval of the Chief Judge, or the Chief Judge's designee, the Proposed Pleading or any other submitted pleading or document (except for the Objection to the Report and Recommendation) shall not be filed. If the Chief Judge or the Chief Judge's designee approves the filing, an order shall be entered by that Judge that the Court Clerk shall file the pleading or document. The order of the Chief Judge or the Chief Judge's designee shall also indicate if the pleading or document should be filed in miscellaneous case established pursuant to this General Order, or if a new case number should be opened for the pleading or document. The order of the Chief Judge or the Chief Judge's designee shall, if the pleading or document is accepted for filing, outline any filing restrictions that will remain with respect to future pleadings or documents submitted by Walker.

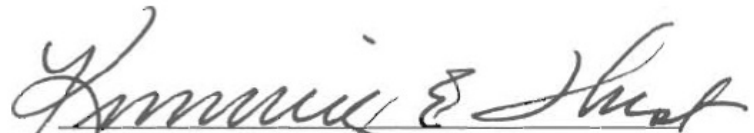
The Court Clerk is directed to set up an ongoing miscellaneous case upon the next submission by Walker for the purpose of accomplishing the procedures set forth in this General Order.


IT IS SO ORDERED this 9th day of June, 2011.


James H. Payne
United States District Judge
Eastern District of Oklahoma


Ronald A. White
United States District Judge
Eastern District of Oklahoma


Frank H. Seay
United States District Judge
Eastern District of Oklahoma


Kimberly E. West
United States Magistrate Judge
Eastern District of Oklahoma


Steven P. Shreder
United States Magistrate Judge
Eastern District of Oklahoma