

IN THE
COURT OF APPEALS
STATE OF ARIZONA
DIVISION ONE



DIVISION ONE
FILED: 11/18/2014
RUTH A. WILLINGHAM,
CLERK
BY: RW

IN THE MATTER OF: PROHIBITING)
ARAYA WOLDE-GIORGIS FROM FILING)
PETITIONS FOR SPECIAL ACTION)
WITHOUT LEAVE OF THE COURT) ADMINISTRATIVE ORDER 2014-03
)
)
)

Consistent with due process, Arizona courts have inherent authority to limit the ability of a vexatious litigant to initiate judicial proceedings if (1) the litigant is afforded notice and an opportunity to oppose the order, (2) the court creates an adequate record for appellate review of the order, (3) the court makes substantive findings regarding the litigant's frivolous or harassing actions, and (4) the order is narrowly tailored to address the litigant's actions. *Madison v. Groseth*, 230 Ariz. 8, 14, ¶¶ 17-18, 279 P.3d 633, 639 (App. 2012).

On October 24, 2014, the Court notified Araya Wolde-Giorgis that it was considering declaring him a vexatious litigant and allowed him an opportunity to oppose such an order. Wolde-Giorgis filed a response in opposition to the proposed order on November 10, 2014. He also filed a petition for special action on November 3, 2014, in which he named the judge who signed the October 24 order as a respondent, claimed that judge is determined to deny him his rights to due process and equal protection under the United States Constitution, and stated that he will petition the United States Supreme Court every time this Court denies him the right to file an appeal. The Court summarily declined to accept jurisdiction of the petition. 1 CA-SA 14-0215, 11/5/14 Order.

Wolde-Giorgis has filed 23 civil appeals in this Court over the past five years. His appellate pleadings routinely fail to comply with Arizona Rule of Civil Appellate Procedure 13, and the Court has dismissed several of his appeals for lack of jurisdiction or because he failed to file an opening brief. *See* 1 CA-CV 11-0475, 1 CA-CV 13-0676,

1 CA-CV 14-0016, 1 CA-CV 14-0076, 1 CA-CV 14-0212, 1 CA-CV 14-0279, 1 CA-CV 14-0349, 1 CA-CV 14-0424, 1 CA-CV 14-0458, 1 CA-CV 14-0523. The appeals arise out of Wolde-Giorgis' multiple civil actions against numerous defendants in the Maricopa County Superior Court alleging many instances of discrimination in unrelated contexts. In many of these cases, Wolde-Giorgis did not timely file his claim, failed to state a claim, failed to properly serve the defendants, or did not prosecute his claims. *See, e.g.*, Maricopa County Superior Court Cause Nos. CV2007-010666, CV2009-000392, CV2012-012833, CV2013-09609, CV2013-009875, CV2013-012360, CV2013-095531, and CV2013-015546. On February 18, 2014, the Maricopa County Superior Court entered an Administrative Order declaring Wolde-Giorgis a vexatious litigant and prohibiting him from filing any new case without leave of the Civil Presiding Judge.

Over the past three years, Wolde-Giorgis has filed 17 petitions for special action in this Court. *See* 1 CA-SA 11-0120, 1 CA-SA 11-0159, 1 CA-SA 11-0247, 1 CA-SA 11-0270, 1 CA-SA 12-0041, 1 CA-SA 12-0073, 1 CA-SA 12-0277, 1 CA-SA 13-0234, 1 CA-SA 13-0248, 1 CA-SA 13-0280, 1 CA-SA 13-0301, 1 CA-SA 13-0341, 1 CA-SA 14-0020, 1 CA-SA 14-0057, 1CA-SA 14-0128, 1 CA-SA 14-0193, 1 CA-SA 14-0215. The petitions routinely fail to comply with Arizona Rule of Procedure for Special Actions 7(e), frequently do not identify the order challenged, and allege vague and unsupported claims of judicial bias and improper conduct rather than specific error. This Court has spent significant time and resources resolving these petitions, many of which were incoherent, utterly frivolous, and contained specious allegations.¹

Therefore, and upon consideration,

IT IS ORDERED declaring Araya Wolde-Giorgis a vexatious litigant.

IT IS FURTHER ORDERED that from and after the date of this order, Wolde-Giorgis may not file any petition for special action in this Court without first obtaining leave of this Court. In seeking leave to file a petition for special action, Wolde-Giorgis

¹ This Court transferred Wolde-Giorgis' petition for special action in Case No. 1 CA-SA 14-0128 to Division Two, which declined jurisdiction.

must file, for the attention of the Chief Judge of this Court, a request for leave that identifies the specific issues in his proposed petition, specifically identifies the official action or order of which review is sought, and attaches a copy of the proposed petition for special action. Any petition for special action filed without leave of the Court will be dismissed pursuant to Arizona Rule of Civil Appellate Procedure 25. In considering whether to grant any request by Wolde-Giorgis for leave to file a petition for special action, the Court will consider, *inter alia*, whether the petition raises a non-frivolous challenge to a particular official action or order.

IT IS FURTHER ORDERED denying the request by Wolde-Giorgis for further briefing on this order.

IT IS FURTHER ORDERED that this order does not apply to any pending or future appeals by Wolde-Giorgis. Nothing herein, however, is intended to limit the Court's power in the future to enter a separate vexatious litigant order restricting Wolde-Giorgis's ability to file appeals in this Court.

_____/s/_____
DIANE M. JOHNSEN
CHIEF JUDGE