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IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

)	Case No: CV42-20-884
IN RE: MOTION TO DECLARE)	
DETRICK CONERLY, MICHAEL)	AMENDED PREFILING ORDER
AARON BONNER, AND JOHN MENO)	DECLARING VEXATIOUS
<u>CRUZ VEXATIOUS LITIGANTS</u>)	LITIGANTS
)	
DETRICK CONERLY, MICHAL)	ORDER DENYING MOTION TO
AARON BONNER, AND JOHN)	DISMISS, MOTION FOR HEARING,
MENO,)	AND MOTION FOR TRANSPORT
)	
<u>Vexatious Litigants.</u>)	

I.

BACKGROUND

On February 20, 2020, the honorable Thomas D. Kershaw, Jr. filed a *Motion* to declare the following individuals vexatious litigants: Detrick Conerly, Michael Aaron Bonner, and John Meno Cruz (collectively "Litigants"). On March 5, 2020, the Court entered a *Proposed Prefiling Order* declaring the Litigants vexatious litigants. The *Proposed Prefiling Order* is supported by the Court's *Proposed Findings of Fact and Conclusions of Law* entered contemporaneously therewith. The Litigants were given fourteen (14) days within which to file a written response to the *Proposed Prefiling Order* and *Findings*. On March 24, 2020, when no response was filed, this Court entered a *Prefiling Order Declaring Vexatious Litigants*. Thereafter, on March 26, 2020, the Litigants filed a *Motion to Dismiss Motion to Declare Plaintiffs Vexatious Litigants*.¹

¹ Litigants assert their response was untimely due to incorrectly sending the response to the Canyon County District Court for filing.

The Court will treat the *Motion* as a written response under Idaho Court Administrative Rule 59(e). In addition, the *Litigants* filed a *Motion for Hearing* and a *Motion for Transport*.

II. ANALYSIS

A. *Motion for Hearing and Transport.*

The Litigants request a hearing on the Court's *Proposed Prefiling Order*. They also move the Court for an order transporting them from the Idaho State Correctional Center for purposes of such hearing. Where a written response is made to a proposed prefiling order, the "administrative district judge may, in his or her discretion, grant a hearing on the proposed order." I.C.A.R. 59(e). After reviewing the file and the Litigants' written response the Court finds a hearing to be unnecessary. The Court can adequately address the issues raised based on the written documents filed in this matter. Therefore, in an exercise of its discretion, the Court declines to grant a hearing on its *Proposed Prefiling Order*. It follows the Litigants' *Motion for Hearing* and *Motion for Transport* are denied.

B. *Motion to Dismiss.*

In its *Proposed Findings of Fact and Conclusions of Law*, the Court found a reasonable basis to conclude that Conerly is a vexatious litigant under I.C.A.R. 59(d)(1), (2), and (3). It further found a reasonable basis to conclude that Bonner and Cruz are vexatious litigants under I.C.A.R. 59(d)(2) and (3). The Court's *Proposed Findings of Fact and Conclusions of Law* are incorporated herein by reference and will not be repeated.

The majority of arguments set forth by the Litigants do not squarely address the substance of the Court's proposed conclusions of law. Instead, they attack the propriety of the decisions issued against them in Twin Falls County Case CV42-18-3906, Twin Falls County Case CV42-18-4577, Ada County Case CV01-17-19957, and Canyon County Case CV14-19-7551. They continue to assert they have a foreign judgment that should be recognized and that they are entitled to the issuance of various writs of execution. These arguments have been rejected by four separate courts in the underlying cases. This proceeding does not provide an opportunity to re-litigate the merits of the underlying court decisions. Thus, the Court finds the

Litigants offer no new evidence or argument that has not already been considered and rejected by the underlying courts.

The Litigants also argue that the underlying cases have not been finally determined against them. The Court disagrees. All of the cases brought by the Litigants have been finally decided adversely to them and all relief they have requested has been denied. Even if the Litigants could establish the underlying cases have not been finally determined against them, there is still a sufficient basis to conclude they are vexatious litigations under I.C.A.R. 59(d)(3). As the Court explains in its *Proposed Findings of Fact and Conclusions of Law*, the Litigants have repeatedly filed unmeritorious motions and pleadings in the four underlying cases which are not supported by existing law nor based on good faith arguments. Each succeeding case brought by the Litigants is merely an attempt to re-litigate issues decided against them in the previous one. When a court rules adversely to them, the Litigants essentially start over by re-filing the same claims with a new court. The Litigants' attempt to re-litigate issues decided against them in different forums constitute meritless collateral attacks on prior court determinations and an improper pattern of forum shopping. These actions are frivolous and have been an unacceptable burden on judicial personnel and resources. For the foregoing reasons, the Litigants' *Motion to Dismiss* must be denied.

III. ORDER

Therefore, Pursuant to Idaho Court Administrative Rule 59, and based upon the Court's *Proposed Findings of Fact and Conclusions of Law* issued on March 5, 2020, this PREFILING ORDER is hereby issued by the Honorable Eric J. Wildman, Administrative Judge for the Fifth Judicial District, State of Idaho.

IT IS HEREBY ORDERED that DETRICK CONERLY is declared to be a vexatious litigant pursuant to Idaho Court Administrative Rule 59 and is hereby PROHIBITED from filing any new litigation in the courts of this state pro se without first obtaining leave of a judge of the court where the litigation is proposed to be filed.

IT IS HEREBY FURTHER ORDERED that MICHAEL AARON BONNER is declared to be a vexatious litigant pursuant to Idaho Court Administrative Rule 59 and is hereby

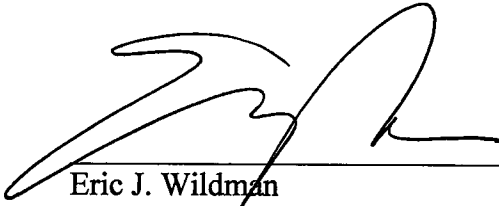
PROHIBITED from filing any new litigation in the courts of this state pro se without first obtaining leave of a judge of the court where the litigation is proposed to be filed.

IT IS HEREBY FURTHER ORDERED that JOHN MENO CRUZ is declared to be a vexatious litigant pursuant to Idaho Court Administrative Rule 59 and is hereby PROHIBITED from filing any new litigation in the courts of this state pro se without first obtaining leave of a judge of the court where the litigation is proposed to be filed.

IT IS HEREBY FURTHER ORDERED that the Litigants' *Motion to Dismiss*, *Motion for Hearing*, and *Motion for Transport* are hereby denied.

IT IS SO ORDERED.

Dated April 6, 2020



Eric J. Wildman
Administrative Judge

CERTIFICATE OF SERVICE

I certify that on this date, I caused a true and correct copy of the foregoing **Amended Prefiling Order Declaring Vexatious Litigants** to be served, by the method indicated below, and addressed to the following:

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Deputy Clerk