

"There is something rotten  
in the state of Denmark"

CAUSE NO. CV07404

|               |    |                         |
|---------------|----|-------------------------|
| UDO BIRNBAUM  | \$ |                         |
| Plaintiff     | \$ | IN THE COUNTY           |
| v             | \$ |                         |
|               | \$ | COURT AT LAW            |
| ROBERT O. DOW | \$ |                         |
| Defendant     | \$ | OF VAN ZANDT COUNTY, TX |

**UDO BIRNBAUM'S RESPONSE AND OBJECTIONS TO  
DEFENDANT'S MOTION TO ENFORCE PREFILING ORDER AND  
MOTION FOR SANCTIONS AND OTHER RELIEF**

TO THIS COURT:

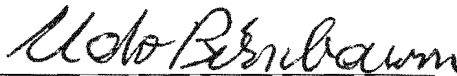
1. DOW claims that because BIRNBAUM has a prefiling order against him, and because of somehow something in or about the 294th District Court, Birnbaum somehow supposedly has no right to file this eviction suit.
2. But there is no prefiling order against Birnbaum. Exhibits 1-4.
3. And a district court has no say over eviction. Property Code 24.004.

**EXHIBIT LIST**

- Exhibit 1: Prefiling Order – [done] by Judge Joe Leonard - - - an unlawful Order
- Exhibit 2: Prefiling Order – [un-done] by Judge Richard Mays
- Exhibit 3: Prefiling Order – [re-done] by Judge Joe Leonard
- Exhibit 4: Prefiling Order – [re-un-done] by Judge Richard Mays
- Exhibit 5: First Administrative Region Presiding Judge - - - regarding this mess
- Exhibit 6: How Judge Chris Martin Stole My Homestead

### **REQUEST FOR RELIEF**

BIRNBAUM prays this Court deny this motion against him, and set a discovery control plan, including a day for trial, the jury fee already paid.



UDO BIRNBAUM, *Pro Se*  
119 AN County Road 2501  
Tennessee Colony, Texas 75861  
903-922-5996  
BRNBM@AOL.COM

### **CERTIFICATE OF SERVICE**

Today April 21, 2025, CMRR **9589 0710 5270 0944 2831 53**

- County Clerk, 121 E. Dallas St., Suite 302, Canton, TX 75103

Also, email attach:

- Corey Kellam, corey@sullivanlawoffices.com
- Nicole Faragan, nicole@sullivanlawoffices.com
- Kent Canada, kent@sullivanlawoffices.com
- County Clerk, countyclerks@vanzandtcountry.org
- Court at Law, countycourtatlaw@vanzandtcountry.org



UDO BIRNBAUM

# EXHIBIT - 1

CAUSE NO. CV05297

UDO BIRNBAUM  
Plaintiff

VS.

CHRISTINA WESTFALL, STEFANI  
PODVIN, AND FRANK C. FLEMING  
"The Westfall Bunch", reference only

THREE PIECES OF PAPER  
At Issue ("defendants"?)

§ IN THE COUNTY COURT  
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§ AT LAW OF  
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§ VAN ZANDT COUNTY, TEXAS

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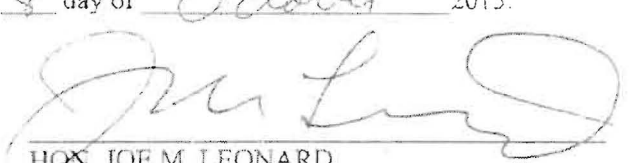
PAH PEARMAN  
CLERK, VAN ZANDT C

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## PREFILING ORDER

The Court enters a finding that there is no reasonable probability that Plaintiff will prevail as a pro se litigant and enters the following order: Plaintiff, Udo Birnbaum, is prohibited from filing pro se any new litigation in the 294<sup>th</sup> District Court and County Court at Law of Van Zandt County without permission of the Local Administrative Judge of the First Administrative Region. The District Clerk and County Clerk are prohibited from filing litigation, original proceedings, appeals, or other claims pro se made by Udo Birnbaum, vexatious litigant, unless Udo Birnbaum obtains an order giving permission entered by the Honorable Administrative Judge for the First Administrative Region. Additionally, the District Clerk and County Clerk shall provide notice to the Office of Court Administration of the Texas Judicial System in Austin, Texas, by sending a copy of this Prefiling Order not later than 30 days from this date.

SIGNED AND ENTERED ON THIS 8 day of October, 2015.

  
HON. JOE M. LEONARD,  
JUDGE SITTING BY ASSIGNMENT

# EXHIBIT - 2

2

CAUSE NO. CV-05297

UDO BIRNBAUM

v.

CHRISTINA WESTFALL, ET AL.,  
STEFANI PODVIN, AND  
FRANK C. FLEMING

THREE PIECES OF PAPER

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IN THE COUNTY COURT

AT LAW OF

VAN ZANDT COUNTY, TEXAS

PAM PEARMAN  
CLERK, VAN ZANDT CO., TX

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## ORDER VACATING AND SETTING ASIDE PREFILING ORDER

After reviewing the Prefiling Order signed and entered in this case on October 8, 2015, in which Plaintiff Udo Birnbaum was "prohibited from filing pro se any new litigation in the 294<sup>th</sup> District Court and County Court at Law of Van Zandt County without permission of the Local Administrative Judge of the First Administrative Region," the undersigned finds that no motion for an order determining Plaintiff to be a vexatious litigant was filed under Section 11.51 of the Texas Civil Practice & Remedies Code, and no notice and hearing were provided to Plaintiff. Accordingly, the October 8, 2015 Prefiling Order should be vacated and set aside.

IT IS THEREFORE ORDERED that the October 8, 2015 Prefiling Order is hereby vacated and set aside and the District and County Clerks of Van Zandt County shall provide notice to the Office of Court Administration of the Texas Judicial System in Austin, Texas, by immediately sending a copy of this Order to that office.

Signed this 23 day of October, 2015.

  
RICHARD MAYS,  
SENIOR JUDGE, SITTING BY  
ASSIGNMENT

③

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# EXHIBIT - 4

CAUSE NO. CV-05297

UDO BIRNBAUM

v.

CHRISTINA WESTFALL, ET AL.,  
STEFANI PODVIN, AND  
FRANK C. FLEMING

THREE PIECES OF PAPER

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IN THE COUNTY COURT

AT LAW OF

VAN ZANDT COUNTY, TEXAS

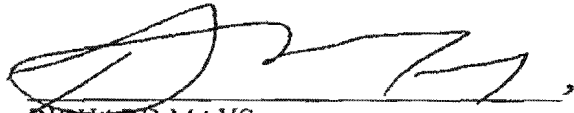
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PAM PEARMAN  
CLERK, VAN ZANDT CO.

## AMENDED ORDER VACATING AND SETTING ASIDE PREFILING ORDER AND AMENDED PREFILING ORDER

After reviewing the Prefiling Order signed and entered in this case on October 8, 2015, in which Plaintiff Udo Birnbaum was "prohibited from filing pro se any new litigation in the 294<sup>th</sup> District Court and County Court at Law of Van Zandt County without permission of the Local Administrative Judge of the First Administrative Region," together with the Amended Prefiling Order signed and entered in this case on October 19, 2015, in which Plaintiff Udo Birnbaum was "prohibited from filing pro se any litigation in the 294<sup>th</sup> District Court and County Court at Law of Van Zandt County without permission of the Local Administrative Judge," the undersigned finds that no motion for an order determining Plaintiff to be a vexatious litigant was filed under Section 11.51 of the Texas Civil Practice & Remedies Code, and no notice and hearing were provided to Plaintiff. Accordingly, the October 8, 2015 prefiling Order and the October 19, 2015 Amended Prefiling Order should be vacated and set aside.

IT IS THEREFORE ORDERED that the October 8, 2015 Prefiling Order and the October 19, 2015 Amended Prefiling Order are hereby vacated and set aside and the District Clerks of Van Zandt County shall provide notice to the Office of Court Administration of the Texas Judicial System in Austin, Texas, by immediately sending a copy of this Order to that office.

SIGNED this 24 day of October, 2015.

  
RICHARD MAYS,  
Senior District Judge,  
Sitting by Assignment

"Oh what tangled webs we weave -  
when first we practice to deceive"

CAUSE NO. CV05297

UDO BIRNBAUM

**EXHIBIT - 5**

IN THE COUNTY COURT

v.

AT LAW OF

CHRISTINA WESTFALL, ET AL.

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§

VAN ZANDT COUNTY, TEXAS

**ORDER OF ASSIGNMENT BY PRESIDING JUDGE AND  
APPOINTMENT OF LOCAL ADMINISTRATIVE JUDGE FOR CASE**

This case, bearing Cause No. 14-00266 in the 294<sup>th</sup> District Court of Van Zandt County, Texas, was transferred by the undersigned to the County Court at Law of Van Zandt County on July 14, 2015, due to the voluntary recusal of District Judge Teresa A. Drum. Such transfer was authorized pursuant to Texas Government Code sections 25.2362 (jurisdiction of Van Zandt County Court at Law) and 74.094 (authority of district and statutory county court judges). The case was given the above-referenced cause number in the county court at law.

Thereafter, on July 20, 2015 and due to the voluntary recusal of County Court at Law Judge Randal McDonald, the undersigned assigned the Honorable Joe M. Leonard, Senior Judge of the 196<sup>th</sup> District Court, to the case pursuant to Texas Government Code section 74.056.

On or about October 8, 2015, Judge Leonard signed a Prefiling Order, as follows:

"The Court enters a finding that there is no reasonable probability that Plaintiff will prevail as a pro se litigant and enters the following order: Plaintiff, Udo Birnbaum, is prohibited from filing pro se any new litigation in the 294<sup>th</sup> District Court and County Court at Law of Van Zandt County without permission of the Local Administrative Judge of the First Administrative Region. The District Clerk and County Clerk are prohibited from filing litigation, original proceedings, appeals, or other claims pro se made by Udo Birnbaum, vexatious litigant, unless Udo Birnbaum obtains an order giving permission entered by the Honorable Administrative Judge for the First Administrative Region. Additionally, the District Clerk and County clerk shall provide notice to the Office of Court Administration of the Texas Judicial System in Austin, Texas, by sending a copy of this Prefiling Order not later than 30 days from this date."

In response to Mr. Birnbaum's request for assistance, the undersigned advised all parties on Monday, October 19, 2015, that the "Local Administrative Judge" must consider vexatious litigant requests pursuant to section 11.102 of the Texas Civil Practice & Remedies Code, and the undersigned is without authority to do so as the regional presiding judge. Based on the voluntary recusals of Judges Drum and McDonald, who are the local administrative judges for the district and county court at law courts, respectively, of Van Zandt County, no local administrative judge exists to address the Prefiling Order and requests by Mr. Birnbaum as directed under that order.

Accordingly, it is necessary that a local administrative judge be appointed for purposes of this case. Both Judges Drum and McDonald are recused from making that election.

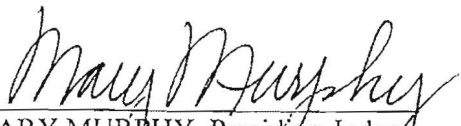
After considering the above, the undersigned finds in the interest of justice that a local administrative judge must be appointed to address the Pretrial Filing Order signed on October 8, 2015 by Judge Leonard and that the same judge should be assigned to the merits of the case if it proceeds. As a result and with the agreement of Judge Leonard, the July 20, 2015 Order assigning Judge Leonard to this case is being terminated pursuant to a separate order signed this date.

Pursuant to section 74.056, Texas Government Code, I assign the Honorable Richard Mays, Senior Judge of the 204<sup>th</sup> District Court, to preside in the above-numbered and entitled cause, and appoint the Honorable Richard Mays to serve as the Local Administrative Judge of the County Court at Law of Van Zandt County to this case only for purposes of making any determinations required of the local administrative judge, including those duties under section 11.102 of the Texas Civil Practice and Remedies Code regarding vexatious litigants.

This assignment and appointment continue until such time as the judge's plenary power has expired or the assignment and appointment are terminated by the Presiding Judge of the First Administrative Judicial Region, whichever occurs earlier.

IT IS ORDERED that the Clerk of the Court to which this assignment is made, if it is reasonable and practicable, and if time permits, give notice of this assignment to each attorney representing a party, and to each party representing himself or herself pro se, to a case that is to be heard in whole or in part by the assigned judge.

Signed this 21 day of October, 2015.

  
MARY MURPHY, Presiding Judge  
First Administrative Judicial Region

"Oh what tangled webs we weave —  
when first we practice to deceive

## EXHIBIT - 6

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DamnCourthouseCriminals.com

### How Judge Chris Martin stole my homestead



1. A real estate deed fraud ring fabricates a deed to my 150 acres and sues me.
2. Without even a hearing Judge Martin evicts me and takes my land. (Exhibit 1)
3. A district court cannot even do eviction, ONLY the JP court of the precinct<sup>1</sup>
4. And NOT WITHOUT A TRIAL, in Texas indeed a jury trial<sup>2</sup>. (Exhibit 2)
5. Perpetrated by an 8 armed officer mob - - - including Sheriff Joe Carter himself



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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| <p><b><u>WARNING</u></b></p> <p>A Writ of Possession has been issued by <u>294<sup>th</sup></u><br/><u>Judicial District Court of Van Zandt County</u><br/>Case No. <u>22-09105</u><br/>All tenants and their personal property should be<br/>removed from <u>540 Van Zandt County Road</u><br/><u>2916, Eustace, Texas 75124</u> by</p> <p><u>SEPTEMBER 07</u>, 2023 at<br/>9:00AM</p> <p>Tenants and personal property remaining on the<br/>premises after that date and time will be subject to<br/>removal. The unit will be turned over to:</p> <p><u>CSD Van Zandt, LLC</u></p> <p>Van Zandt County Sheriff's Office<br/>Posted by S.D. Henson<br/>05 Day of September, 2023 at 2:54 pm</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

<sup>1</sup> Texas Property Code Sec. 24.004(b), a justice court in the precinct in which the real property is located has jurisdiction in eviction suits. Eviction suits include forcible entry and detainer and forcible detainer suits.

<sup>2</sup> Texas Constitution. Sec. 10. TRIAL BY JURY IN CIVIL CASES. In the trial of all causes in the district courts, the plaintiff or defendant shall, upon application made in open court, have the right of trial by jury

**EXHIBIT 1: a "forcible entry and detainer"** - - indeed an armed HOME INVASION - - a staged physical confrontation. Details below.

# **WARNING**

(66)

A Writ of Possession has been issued by 294<sup>th</sup>  
Judicial District Court of Van Zandt County,  
Case No. 22-00105

All tenants and their personal property should be  
removed from 540 Van Zandt County Road  
2916, Eustace, Texas 75124 by

SEPTEMBER 07, 2023 at  
9:00AM

Tenants and personal property remaining on the  
premises after that date and time will be subject to  
removal. The unit will be turned over to:

CSD Van Zandt, LLC

Van Zandt County Sheriffs Office  
Posted by S.D. Henson

05 Day of September, 2023 at 2:54 pm

**EXHIBIT 1: "tenant" eviction.** But a district court cannot do  
eviction, ONLY the JP justice court. Property Code 24.004(b). It was by  
ROBERT O. DOW and his lawyers having succeeded in duping Judge  
Chris Martin into doing this, else pressuring him, else worse. That makes it  
a "forcible entry and detainer" by Dow - - indeed a HOME INVASION by  
ANY AND ALL "bringing this about". See Exhibit 2 re penal 31.03 THEFT

**EXHIBIT 2: upon Judge Martin's "opinion"** - - upon a mere "opinion" - - Mr. Dow gets himself a 150 acre homestead worth \$850,000 - - and Mr. Birnbaum, an 88 year old - - out into the ditch - - without a trial or ever even a hearing - - by the mere stroke of a pen. SOMETHING STINKS. See below re THEFT - - by ANY AND ALL

CSD VAN ZANDT LLC  
*Plaintiff*

v.

UDO BIRNBAUM  
*Defendant*

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IN THE DISTRICT COURT

294<sup>th</sup> JUDICIAL DISTRICT

VAN ZANDT COUNTY, TEXAS

WANE WILSON  
DIST CLERK VAN ZANDT CO. TX  
BY *Kara*  
DEP

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**ORDER GRANTING  
PLAINTIFF'S TRADITIONAL MOTION FOR SUMMARY JUDGMENT**

On August 17, 2023, came on to be considered *Plaintiff's Traditional Motion for Summary Judgment*. The Court, having considered said *Motion*, and all Responses and Replies, if any, is of the opinion that Plaintiff is entitled to judgment as a matter of law.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED that *Plaintiff's Traditional Motion for Summary Judgment* is hereby **GRANTED** in all things.

IT IS SO ORDERED.

SIGNED this 17th day of August 2023.



Judge Chris Martin

**EXHIBIT 2: Texas Penal Sec. 31.03. THEFT.** (a) A person commits an offense if he unlawfully appropriates property with intent to deprive the owner of property.

**Texas Penal Sec. 31.01 THEFT.** "Appropriate" means: (A) to bring about a transfer or purported transfer of title to or other nonpossessory interest in property, whether to the actor or another; or (B) etc