

United States Court of Appeals
for the Fifth Circuit

United States Court of Appeals
Fifth Circuit

FILED

January 19, 2024

Lyle W. Cayce
Clerk

No. 23-50349
Summary Calendar

LINDA BALDWIN,

Plaintiff—Appellant,

versus

U.S. DISTRICT JUDGE ROBERT PITMAN,

Defendant—Appellee.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:23-CV-426

Before SMITH, SOUTHWICK, and WILSON, *Circuit Judges.*

PER CURIAM:*

Linda Baldwin filed a pro se civil rights action against District Court Judge Robert Pitman, alleging that he had violated her constitutional rights and had discriminated against her through his adverse rulings on prior lawsuits challenging the denial of workers' compensation benefits, and asking that all orders and opinions by Judge Pitman in her prior cases be thrown out.

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

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The district court noted that Baldwin had been previously barred from filing a cause of action without obtaining approval from a federal district or magistrate judge; to the extent that Baldwin was seeking authorization to file, the district court concluded that her claims were frivolous. Baldwin then moved to reopen the case, asserting that Judge Pitman and the district court judge who had ruled on her action were biased against her. The district court denied the motion to reopen, again concluding that Baldwin's attempts to challenge the validity of prior rulings should have been through direct appeals in those cases. Baldwin has now filed a motion for authorization to proceed in forma pauperis (IFP) on appeal, which constitutes a challenge to the district court's certification that any appeal would not be taken in good faith because Baldwin will not present a nonfrivolous appellate issue. *See Baugh v. Taylor*, 117 F.3d 197, 202 (5th Cir. 1997).

Before this court, Baldwin repeats her assertions that Judge Pitman's prior rulings were wrong and evinced bias against her and that she is entitled to reconsideration of those decisions. She also maintains that the district court should not have entered the vexatious litigant order in an earlier action. Baldwin has not shown that the district court erred in ruling that any challenges to those earlier rulings should have been presented in appeals from those cases, rather than through new lawsuits. *See Alvestad v. Monsanto Co.*, 671 F.2d 908, 912 (5th Cir. 1982) (noting we review such decisions under an abuse of discretion standard). In addition, she has not shown that her assertions of bias against the district judge who ruled in those cases could not have been raised and appealed in those proceedings. *See Liteky v. United States*, 510 U.S. 540, 543-56 (1994). Thus, Baldwin has not established that her proposed claims were nonfrivolous or that the district court erred in denying her leave to file the complaint.

The appeal is without arguable merit and is thus frivolous. *See Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, Baldwin's motion

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to proceed IFP on appeal is DENIED, and the appeal is DISMISSED. *See id.*; *Baugh*, 117 F.3d at 202 & n.24; 5TH CIR. R. 42.2. Baldwin's motion to reinstate a dissent order is DENIED.

The instant case is Baldwin's eighth attempt in federal court to challenge the denial of workers' compensation benefits arising from injuries she suffered in 2006 and 2007. The district court has barred Baldwin from filing further actions without obtaining consent from a federal district or magistrate judge. In addition, this court has previously barred Baldwin from filing further pleadings in an unsuccessful appeal. Despite these limits, Baldwin continues to file frivolous pleadings. Accordingly, Baldwin is WARNED that any further attempts to challenge the denial of benefits arising from her injuries in 2006 and 2007, against any party, will invite the imposition of sanctions. *See Coghlan v. Starkey*, 852 F.2d 806, 817 n.21 (5th Cir. 1988) (holding that this court has the inherent power to sanction litigants for frivolous or repetitive filings).