

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 13-10447  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

April 16, 2014

Lyle W. Cayce  
Clerk

DAVID EARL KATES, also known as David E. Kates,

Petitioner–Appellant,

versus

STATE OF TEXAS,

Respondent–Appellee.

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Appeal from the United States District Court  
for the Northern District of Texas  
USDC No. 2:12-CV-185

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Before JOLLY, SMITH, and CLEMENT, Circuit Judges.

PER CURIAM:\*

David Kates, federal prisoner # 30428-077, was convicted by a jury of

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.

No. 13-10447

possessing with the intent to distribute cocaine base and was sentenced to 360 months of imprisonment. *See United States v. Kates*, 174 F.3d 580, 581-84 (5th Cir. 1999). On February 8, 2012, in No. 2:12-CV-0018, the district court entered the following order:

DAVID EARL KATES is BARRED FROM FILING FURTHER ACTIONS, MOTIONS, OR PLEADINGS OF ANY KIND ON THE DISTRICT COURT LEVEL WITHOUT FIRST OBTAINING WRITTEN JUDICIAL PERMISSION. Any future pleadings in violation of this BAR will be stricken and will receive no ruling from the Court.

On April 8, 2013, Kates filed a “Petition for Writ of Mandamus and/or Supervisory Remedial and Extraordinary Writs that are available Pursuant to the All Writs Act 28 U.S.C. [§] 1361.” On April 10, 2013, the district court, in accordance with the standing sanctioning order, directed that this pleading ‘is STRICKEN and will receive no ruling from the Court.’ Kates has not shown that this was an abuse of discretion. *See Balawajder v. Scott*, 160 F.3d 1066, 1067–68 (5th Cir. 1998); *see also Gelabert v. Lynaugh*, 894 F.2d 746, 747–48 (5th Cir. 1990).

AFFIRMED.