IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**No. 12-20323-STA**
	)	
ANDREW JAMISON,	)	
	)	
Defendant.	)	

ORDER DENYING DEFENDANT'S PRO SE MOTIONS

Before the Court are the following *pro se* Motions filed by Defendant Andrew Jamison: Motion for Disqualification of District Court Judges (D.E. # 61) filed on August 1, 2013; an Ex Parte Application Demanding Certification (D.E. # 64) filed on August 7, 2013; Motion for Continuing Duty to Disclose Discovery and Bill of Particulars (D.E. # 66) filed on August 14, 2013; Motion for Judicial Notice and Demand for Bill of Particulars (D.E. # 68) filed on August 20, 2013; and Motion to Dismiss a Defected Indictment (D.E. # 70) filed on August 28, 2013. For the reasons set forth below, Defendant's *pro se* Motions are **DENIED**.

BACKGROUND

The Court set out the procedural history of this matter in its August 16, 2013 Order. On November 29, 2012, Defendant was charged with one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g). The United States Magistrate Judge ordered that Defendant be detained pending trial. On May 23, 2013, a superseding indictment was returned

against Defendant adding one count of robbery affecting interstate commerce in violation 18 U.S.C. § 1951 and one count of knowingly possessing a firearm in furtherance of a crime of violence in violation of 18 U.S.C. § 924(c). The Federal Public Defendant was initially appointed as counsel for Defendant. Defendant has proceeded *pro se* since May 14, 2013, and the Federal Public Defender continues to serve as elbow counsel. Construing all of the Motions before the Court liberally in Defendant's favor, the Court holds that none of Defendant's *pro se* filings have merit and must be denied. The Court will analyze each Motion in turn.

ANALYSIS

A. Motion for Disqualification of District Judges

In his Motion for Disqualification of District Judges (D.E. # 61), Defendant argues that the United States District Judges of the Western District of Tennessee, including the undersigned, are actually United States Bankruptcy Judges. Defendant proceeds to argue that a judge must recuse himself in any proceeding in which his impartiality might reasonably be questioned. Without further explanation, Defendant leaps to the conclusion that the undersigned lacks jurisdiction in this matter. Defendant requests then that the Court dismiss his case due to an unspecified conflict of interest. Defendant has attached to his Motion an order from the United States Bankruptcy Court for the Western District of Tennessee, dismissing Defendant's "Involuntary Bankruptcy Against the Court."

The Court finds that Defendant's Motion is without merit. Defendant appears to argue that the Court lacks jurisdiction to hear his case and that some cause exists to disqualify the undersigned from presiding in this matter. With respect to his challenge to this Court's jurisdiction to hear the case, the Court finds Defendant's position to be frivolous. As the Court has noted in a previous order, under 18 U.S.C. § 3231, "[t]he district courts of the United States shall have original

jurisdiction, exclusive of the courts of the States, of all offenses against the laws of the United States."[1] Defendant's jurisdictional challenge is **DENIED**.

With respect to Defendant's argument that the Court should recuse, Defendant has not given any reason to call the Court's impartiality into question. Under 28 U.S.C. § 455(a), a judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."[2] Circumstances under which a judge must disqualify himself include the following:

> (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
>
> (2) Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;
>
> (3) Where he has served in governmental employment and in such capacity participated as counsel, adviser, or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;
>
> (4) He knows that he, individually or as a fiduciary, or his spouse . . . has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;
>
> (5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:
>
> > (i) Is a party to the proceeding, or an officer, director, or trustee of a party;
> >
> > (ii) Is acting as a lawyer in the proceeding;
> >
> > (iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;
> >
> > (iv) Is to the judge's knowledge likely to be a material witness in the

[1] 18 U.S.C. § 3231.

[2] 28 U.S.C. § 455(a).

proceeding.[3]

A judge must recuse himself if, knowing all the circumstances, a reasonable, objective person would question the judge's impartiality.[4] "The standard is an objective one; hence, the judge need not recuse himself based on the 'subjective view of a party' no matter how strongly that view is held."[5] Bias sufficient to justify recusal must be personal, arising out of the judge's background, and not based on the judge's interpretation of the law.[6] Section 455 requires that disqualification be predicated upon extrajudicial conduct, rather than judicial conduct, and that the alleged bias and prejudice be personal rather than judicial.[7] A judge is presumed to be impartial, and a party seeking disqualification bears the burden of alleging facts that would lead a reasonable person to question the neutrality of the judge.[8]

Here Defendant has articulated no facts which would lead a reasonable person to question the neutrality of the undersigned. As such, the Court finds that Defendant has not carried his burden, and his request for disqualification is without support. Therefore, the Motion for Disqualification is **DENIED**.

---

[3] § 455(b).

[4] *United States v. Sammons,* 918 F.2d 592, 599 (6th Cir. 1990) (citations omitted).

[5] *Id.* (citations omitted).

[6] *Browning v. Foltz,* 837 F.2d 276, 279 (6th Cir. 1988).

[7] *Davis v. C.I .R.,* 734 F.2d 1302, 1303 (8th Cir. 1984); *Shaw v. Martin,* 733 F.2d 304, 308 (4th Cir. 1984); *United States v. Carmichael,* 726 F.2d 158, 160 (4th Cir. 1984); *United States v. Story,* 716 F.2d 1088, 1096 (6th Cir. 1983).

[8] *United States v. Adams,* 38 F.3d 1217, *2 (6th Cir.1994) (unpublished table decision) (citing *Holt v. KMI Continental, Inc.,* 821 F. Supp. 846, 847 (D. Conn. 1993)).

B. Ex Parte Application Demanding Certification

In his Ex Parte Application Demanding Certification (D.E. # 64), Defendant seeks the issuance of subpoenas for the following witnesses: Robert Cooper, Jr., the Attorney General of the state of Tennessee; Jim Hood, the Attorney General of the state of Mississippi; and Dale Thompson, the Clerk of the DeSoto County, Mississippi Circuit Court. Defendant also seeks the issuance of subpoenas for "the law [Defendant] is/are being accused of violating" and "the certification of the act by the Supreme Court of Tennessee."[9] According to Defendant, the presence of these witnesses "is needed to provide information about commercial processes and to testify to the demands in this application."[10] Defendant concludes by demanding that "the United States, Inc. release me from custody and a [sic] agreement to settle be made" in the sum of $150,000.[11] On August 13, 2013, the Clerk of Court issued a subpoena as to General Cooper.[12]

Rule 17(b) of the Federal Rules of Criminal Procedure states that "[u]pon a defendant's ex parte application, the court must order that a subpoena be issued for a named witness if the defendant shows an inability to pay the witness's fees and the necessity of the witness's presence for an adequate defense."[13] In order to demonstrate that a witness's presence is "necessary," the indigent

---

[9] Appl. 1, Page I.D. # 257.

[10] *Id.* at 2, Page I.D. # 258.

[11] *Id.*

[12] The Court notes that on August 29, 2013, General Cooper filed a motion for protective order, misc. case no. 13-mc-32, requesting that the Court quash the subpoena in this matter and enter a protective order precluding Defendant from causing other subpoenas to be issue as to General Cooper. That Motion is **GRANTED**.

[13] Fed. R. Crim. P. 17(b); *United States v. Ross*, 703 F.3d 856, 878 (6th Cir. 2012).

defendant must show that the witness's testimony is "relevant, material and useful to an adequate defense."[14] The defendant must provide "sufficiently specific" facts; "generalities are not sufficient to make the required showing."[15]

The Court holds that Defendant has failed to show with any specificity why the presence of the Attorneys General of two different states or a state court clerk are necessary for an adequate defense in this case. Defendant refers to "information about commercial processes and to testify to the demands" in Defendant's Application. However, Defendant is charged in this case with a robbery offense, which allegedly occurred in Memphis, Tennessee, as well as with two separate firearms offenses. Defendant has not shown with sufficient specificity that the witnesses he seeks to subpoena are "relevant, material and useful to an adequate defense." Therefore, the Application is **DENIED**. The Clerk of Court is directed not to issue any further subpoenas at Defendant's request until the Court has first entered an order on Defendant's application.

C. Motion for Continuing Duty to Disclose Discovery and Bill of Particulars (D.E. # 66) and Judicial Notice and Demand for Bill of Particulars (D.E. # 68)

In his Motion for Continuing Duty to Disclose Discovery and Bill of Particulars (D.E. # 66) and Judicial Notice and Demand for Bill of Particulars (D.E. # 68), Defendant makes a request for discovery and for a bill of particulars. In the first Motion, Defendant seeks production of the "state of Mississippi 28-E agreements between the State and Federal governments to secure grants from

---

[14] *United States v. Reaves*, 194 F.3d 1315, at *3 (6th Cir. 1999) (unpublished table decision) (quoting *United States v. Moore,* 917 F.2d 215, 230 (6th Cir. 1990)).

[15] *United States v. McCaskill*, 48 F. App'x 961, 962 (6th Cir. 2002) (citing *United States v. Barker*, 553 F.2d 1013, 1020–21 (6th Cir. 1977)).

the Fed and to insure compliance with Federal Law by the States."[16] Defendant states that he makes his request pursuant to the Freedom of Information Act. Defendant goes on to mention his discovery request (D.E. # 52) submitted to the government on June 24, 2013.[17] Defendant now seeks production of the following items: "the injured party of said matter;" the "original warrant issued with an affidavit of liability under oath signed by a competent witness, swearing to the fact of contractual liability;" proof of jurisdiction and that Defendant "engaged in interstate commerce as a common or contract carrier to deliver any goods by trading;" "the origin of venue;" and counsel for the government's "L.O.M.A.R." and license to practice law.[18]

A defendant is entitled to the disclosure of specific information under Rule 16 of the Federal Rules of Criminal Procedure, and the government has an affirmative obligation to produce other specific kinds of evidence in a criminal prosecution. When a party fails to comply with a discovery request, Rule 16(d)(2) allows the court to "(A) order that party to permit the discovery or inspection . . . ; (B) grant a continuance; (C) prohibit that party from introducing the undisclosed evidence; or (D) enter any other order that is just under the circumstances."[19] Defendant mentions the fact that he filed a discovery request on June 24, 2013, and that the government produced a disk on July 26, 2013. However, it does not appear that Defendant's Motion relates to the contents of the disk because Defendant states, "Just as well as [the Assistant U.S. Attorney] provided a disk, he can also

---

[16] Mot. for Continuing Duty 1, Page I.D. # 262.

[17] It appears to the Court that the list of items sought in the June 24 discovery request is identical to the list of items in Defendant's Judicial Notice and Demand for Bill of Particulars.

[18] *Id.* at 2, Page I.D. # 263.

[19] Fed. R. Crim. P. 16(d)(2).

provide the said [sic] information for defense of defendant."[20] Defendant goes on to list the information he is now seeking in discovery.

The Court finds that Defendant's request to compel the government to produce discovery is not well-taken. Defendant does not seek the specific information described in Rule 16 or any other kind of evidence the government is obligated to produce. For example, Defendant mentions the "original warrant," which does not appear to be an arrest warrant; Defendant states that the warrant was issued with "an affidavit of liability . . . swearing to the fact of contractual liability."[21] Defendant does not indicate what the contract is or how it is relevant to his defense on a robbery charge and two firearms offenses. Likewise, Defendant seeks "proof of jurisdiction" and a nexus to interstate commerce but not with respect to his alleged crimes. Defendant states that the proof of an interstate element concerns his actions "as a common or contract carrier to deliver any goods by trading."[22] The Court finds that such a showing is not an element of the offenses with which Defendant is charged, and Defendant has not shown why such evidence would be relevant to his defense. Furthermore, insofar as Defendant seeks to compel the government to produce discovery materials the government has a duty to produce, Defendant has not shown with particularity what those materials are. Therefore, Defendant's Motion for Discovery must be **DENIED**.

In both his first Motion and his second Motion, Defendant also refers to a bill of particulars. In his Demand for a Bill of Particulars, Defendant seeks production of information largely concerning the Internal Revenue Service but without any argument to show why the information is

---

[20] *Id.* at 1, Page I.D. # 262.

[21] Mot. for Continuing Duty 2, Page I.D. # 263.

[22] *Id.*

relevant to the defense. For example, Defendant requests discovery on "how the Department of Justice can represent the Internal Revenue Service," the identity of the IRS agent in this case, the name of the agent's union, and several other issues related to the IRS.[23] Defendant also raises several issues the Court has already addressed in a previous order, namely, whether Title 18 of the United States Code was validly enacted, whether Title 18's passage complied with the quorum clause of the United States Constitution, and other demands for proof of the validity of the federal laws which Defendant has allegedly violated.

Under Rule 7(f) of the Federal Rules of Criminal Procedure, a district court in its discretion "may direct the government to file a bill of particulars."[24] A bill of particulars "allows defendants to elicit greater detail regarding the charges against them" so as "[t]o avoid unfair surprise at trial and the potential for double jeopardy, and to assist defendants in preparing their defense . . . ."[25] When a defendant requests a bill of particulars, the question for the Court is whether greater detail about the charges is required for the preparation of the defense and for avoiding possible prejudice or surprise at trial.[26]

In this instance Defendant has not shown how the information he requests would provide greater detail about his charges. Defendant is charged with a robbery offense, which allegedly occurred in Memphis, Tennessee, as well as with two separate firearms offenses. The Court finds

---

[23] Demand for Bill of Particulars 2, Page I.D. # 281.

[24] Fed. R. Crim. P. 7(f).

[25] *United States v. Tillotson*, 490 F. App'x 775, 777 (6th Cir. 2012); *see also* 1 Charles Alan Wright, *Federal Practice & Procedure* § 129 (3d ed. 1999).

[26] *United States v. Musick*, 291 F. App'x 706, 724 (6th Cir. 2008).

that Defendant's Motions have not requested any information that would be relevant to his charges or, so far as the Court can tell, any valid legal defense. Specifically, Defendant has not shown why information related to the Internal Revenue Service has any bearing on an alleged robbery affecting interstate commerce or the alleged use and possession of a firearm. Therefore, to the extent that Defendant requests a bill of particulars containing the information listed in his Motions, Defendant's Motions are **DENIED**.

D. Defendant's Motion to Dismiss

In his Motion to Dismiss a Defected (sic) Indictment, Defendant seeks the dismissal of the superseding indictment based on a lack of jurisdiction and the failure to state an offense. Defendant argues that burglary was the offense of his arrest charged in Tennessee state court, case no. 12125083-01 Shelby County General Sessions Court. According to Defendant, this charge was to be dismissed on November 29, 2012, and Defendant was then charged with one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g).[27] Defendant questions then how can he be charged in federal court with being a convicted felon in possession of a firearm when he was never charged with that offense in state court. Defendant states in conclusion that the Court should dismiss the indictment for this reason as well as for unspecified violations of the Speedy Trial Act.

Rule 7 of the Federal Rules of Criminal Procedure requires that an indictment "must be a plain, concise, and definite written statement of the essential facts constituting the offense

[27] Defendant believes that the state charge remains pending even though it was to be dismissed.

charged[.]"[28] An indictment must satisfy the requirements of the Notice Clause of the Sixth Amendment, which states that "a criminal defendant has the right to be informed of the nature and cause of the accusation against him," as well as the Indictment Clause of the Fifth Amendment, which "requires that a defendant be charged only with those charges brought before the grand jury."[29] Rule 12 of the Federal Rules of Criminal Procedure requires a defendant to raise certain issues before trial, including "a defect in the indictment or information."[30]

The Supreme Court has held that an indictment is adequate first if it "contains the elements of the offense charged and fairly informs a defendant of the charge against which he must defend, and, second, enables him to plead an acquittal or conviction in bar of future prosecutions for the same offense."[31] It is well-settled that "[t]o be legally sufficient, the indictment must assert facts which in law constitute an offense; and which, if proved, would establish prima facie the defendant's commission of that crime."[32] "An indictment is usually sufficient if it states the offense using the words of the statute itself, as long as the statute fully and unambiguously states all the elements of the offense."[33] In either case, the Court is precluded from evaluating the evidence upon which the

---

[28] Fed. R. Crim. P. (7)(c)(1).

[29] *United States v. Maney,* 226 F.3d 660, 663 (6th Cir. 2000) (quoting U.S. CONST. amend. VI).

[30] Fed. R. Crim. P. 12(b)(3)(B).

[31] *Hamling v. United States,* 418 U.S. 87, 117 (1974); *see also United States v. Coss,* 677 F.3d 278, 287 (6th Cir. 2012).

[32] *United States v. Landham*, 251 F.3d 1072, 1079–1080 (6th Cir. 2001).

[33] *Id*. (citing *Hamling,* 418 U.S. at 117; *Monus,* 128 F.3d at 388).

indictment is based.[34]

Defendant has not raised a specific constitutional or legal basis for his challenge to the superseding indictment. Defendant contends that because he was charged with burglary under the laws of Tennessee, the federal government cannot prosecute him for being a felon in possession of a firearm in federal court. The Court disagrees. The Supreme Court has explained that under the dual sovereignty doctrine, "[w]hen a defendant in a single act violates the peace and dignity of two sovereigns by breaking the laws of each, he has committed two distinct offences."[35] Furthermore, "when the same act transgresses the laws of two sovereigns, . . . by one act he has committed two offences, for each of which he is justly punishable."[36] Under the dual sovereignty doctrine, "the States are separate sovereigns with respect to the Federal Government" and "an act denounced as a crime by both national and state sovereignties is an offense against the peace and dignity of both and may be punished by each."[37] For these reasons, Defendant's Motion to Dismiss is **DENIED**.

As for Defendant's speedy trial rights, Defendant has not actually developed an argument to

---

[34] *Landham,* 251 F.3d at 1080 (citations omitted).

[35] *Heath v. Alabama*, 474 U.S. 82, 88 (1985) (quoting *United States v. Lanza,* 260 U.S. 377, 382 (1922)). It is true that the Supreme Court discussed the dual sovereignty doctrine in the context of successive prosecutions by two different state governments and considered the question under the Double Jeopardy Clause. *Id.* ("The dual sovereignty doctrine, as originally articulated and consistently applied by this Court, compels the conclusion that successive prosecutions by two States for the same conduct are not barred by the Double Jeopardy Clause."). Nevertheless, the Court finds that the guiding principles of the Supreme Court's analysis are highly relevant to the issue Defendant raises in his Motion to Dismiss.

[36] *Id.*

[37] *Id.* (citing *Westfall v. United States,* 274 U.S. 256, 258 (1927) (Holmes, J.) (holding the proposition that the state and federal governments may punish the same conduct "is too plain to need more than statement").

support his position on the issue. Defendant's Motion only states, "therefore, the court should dismiss this case and provide a hearing as soon as possible because the prosecutor has yet to take defendant to trial violating the Speedy Trial Act . . . ."[38] Defendant's failure to articulate any reasons to support his speedy trial argument is a sufficient, independent reason to deny his passing mention of the issue.[39]

Even on the merits, the Court holds that no violation of Defendant's speedy trial rights has occurred. Under the Speedy Trial Act,

> In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs."[40]

The Court construes the plain language of the Act to require that where a defendant has entered a plea of not guilty, trial must commence within seventy days of either his indictment or his initial appearance, whichever occurs later. Section 3161(h) provides for the exclusion of certain periods of delay which are not to be counted in measuring the seventy-day speedy trial period.[41] For example, the date of the indictment as well as the day of the arraignment are to be excluded as is

---

[38] Def.'s Mot. to Dismiss 2, Page I.D. # 292.

[39] *Meridia Prods. Liab. Litig. v. Abbott Labs.*, 447 F.3d 861, 868 (6th Cir. 2006) ("Issues adverted to in a perfunctory manner, unaccompanied by some effort at developed argumentation, are deemed waived. It is not sufficient for a party to mention a possible argument in the most skeletal way, leaving the court to put flesh on its bones.") (citation omitted).

[40] 18 U.S.C. § 3161(c)(1).

[41] § 3161(h).

"[a]ny period of delay resulting from other proceedings concerning the defendant."[42] Furthermore, "delay resulting from any pretrial motion, from the filing of the motion" must also be excluded.[43] The Act also states that "[n]o such period of delay resulting from a continuance granted by the court . . . shall be excludable . . . unless the court sets forth . . . its reasons for finding that the ends of justice served by the granting of such continuance outweigh the best interests of the public and the defendant in a speedy trial."[44]

In this case the original indictment against Defendant was returned on November 29, 2012, and Defendant had his initial appearance before the United States Magistrate Judge on December 4, 2012.[45] Trial is currently set to begin September 9, 2013. However, the Court has found that the ends of justice were served by excluding the time from January 24, 2013, through September 13, 2013, excluding all but 49 days of the delay between Defendant's initial appearance and the trial on the single charge in his original indictment. Additionally, Defendant has filed a number of pretrial motions, including the motions addressed in this Order, which also constitute excludable delay for purposes of the Speedy Trial Act. In fact, the government filed a superseding indictment on May 29, 2013, at a time when Defendant had several pretrial motions pending before the Court. Therefore, Defendant has not shown that a violation of the Speedy Trial Act has occurred in this

---

[42] *United States v. Mentz*, 849 F.2d 315, 326 (6th Cir. 1988) (citing 18 U.S.C. § 3161(h)(1)).

[43] 18 U.S.C. § 3161(h)(1)(D).

[44] § 3161(h)(7)(A).

[45] The Sixth Circuit has interpreted the statutory phrase "the date the defendant has appeared before a judicial officer of the court" to mean the date of an initial appearance. *United States v. Mentz*, 840 F.2d 315 (6th Cir. 1988).

case, and his Motion to Dismiss is **DENIED** as to this issue.

E. Defendant's Frivolous and Vexatious Filings

Finally, the Court finds that Defendant continues to raise the same frivolous issues (or slight variations thereof) in his *pro se* filings, all of which appear to be based on ill-conceived constitutional theories commonly espoused in the federal court system by "sovereign citizens." Specifically, Defendant repeatedly challenges the Court's authority to hear his case and the validity of the federal laws which he has allegedly violated. The Court notes that these theories are part and parcel with many filings the Court receives from "sovereign citizens," a group of litigants who deny their American citizenship, invoke inapposite provisions of the Uniform Commercial Code, reject the applicability of the United States Constitution, and otherwise refuse to recognize the Court's jurisdiction.

In its August 16, 2013 Order, the Court previously found that "Defendant's *pro se* Motions are largely frivolous and lack any legal or factual support." As a result, the Court cautioned Defendant that future motions raising his frivolous theories would "be treated as motions for reconsideration" of the August 16 Order. The Court went on to state that "[a]bsent extraordinary circumstances, the Court will not look favorably on such future filings." Despite the Court's warning, Defendant filed his latest Motion (D.E. # 86) raising the same frivolous jurisdictional and constitutional arguments on August 20, 2013, though only four days after the Court issued its August 16 Order. Under the circumstances, the Court will assume that Defendant had not yet received the Court's August 16 Order, warning him about continuing to file frivolous motions.

Should Defendant file any motions in the future raising the same or similar frivolous issues, the Court will not hesitate to find that Defendant is engaging in vexatious conduct and limit

Defendant's filing privileges accordingly.[46]

CONCLUSION

Defendant's *pro se* Motions are **DENIED**. Defendant is cautioned that future filings based on the same theories set forth in these and previous motions will prompt the Court to consider limiting his filing privileges in this case.

IT IS SO ORDERED.

s/ S. Thomas Anderson
S. THOMAS ANDERSON
UNITED STATES DISTRICT JUDGE

Date: September 6, 2013.

[46] *Feathers v. Chevron U.S.A., Inc.*, 141 F.3d 264, 269 (6th Cir. 1998) ("[W]e see nothing wrong, in circumstances such as these, with an order that . . . places limits on a reasonably defined category of litigation because of a recognized pattern of repetitive, frivolous, or vexatious cases within that category.").