

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

2006 SEP -7 PM 2: 21

CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY \_\_\_\_\_  
DEPUTY

RIAD ELSOLH HAMAD,  
Plaintiff,

Case No. A-06-CA-285-SS

-vs-

CENTER FOR THE STUDY OF POPULAR  
CULTURE and DAVID HOROWITZ,  
Defendants.

ORDER

BE IT REMEMBERED on the 6<sup>th</sup> day of September 2006 the Court reviewed the file in the above-styled cause, and thereafter enters the following:

IT IS ORDERED that the Motion to Dismiss Defendant CB Accounts with Prejudice filed July 3, 2006, is GRANTED, and CB Accounts is dismissed as a party with prejudice to the rights of refiling.

IT IS ORDERED that the Defendant State of Texas' Motion to Dismiss filed June 26, 2006, and not contested by plaintiff is GRANTED, both as an uncontested motion and substantively. The plaintiff Hamad cannot sue the State of Texas in the United States District Court and the case is dismissed pursuant to the Eleventh Amendment of the United States Constitution. IT IS ORDERED that the State of Texas is DISMISSED for lack of jurisdiction.

IT IS ORDERED that the "Rule 12 Motion to Dismiss of Defendants Daniel Pipes and the Middle East Forum" filed June 29, 2006, is GRANTED. Daniel Pipes and the Middle East Forum first plead that this Court lacks jurisdiction over them and provides adequate admissible evidence

in the form of sworn affidavits that establish little, if any, contact with the State of Texas whereby either Daniel Pipes or Middle East Forum, could expect to enjoy the benefits of Texas law or be sued in the Texas courts. The plaintiff's response to said motion provides no evidentiary basis whatever for personal jurisdiction over these parties. In addition, the plaintiff Hamad in his pleading establishes his defamation claim alleged is barred by the one-year statute of limitations as he has alleged the publication occurred "as late as July 2004." And, finally, these defendants have produced evidence in sworn admissible testimony in the form of affidavits that no defamatory statements have ever been made concerning Riad Elsolh Hamad. The plaintiff Hamad has not countered or contested these allegations with admissible evidence and has merely attached immaterial, irrelevant documents that genuinely make no sense with regard to the legal issues involved. IT IS ORDERED that Daniel Pipes and the Middle East Forum are DISMISSED as party defendants.

The Rule 12 Motion to Dismiss of the defendants Jim Robinson and Freerepublic is GRANTED. These defendants also deny this Court has personal jurisdiction over them in this lawsuit and further contend (alternatively) that the subject publication, the basis of this lawsuit, was published more than one year prior to the filing of the lawsuit and, therefore, the pleadings on their face establish no cause of action for which relief can be granted. In the response to this motion, Riad Elsolh Hamad places no admissible evidence to refute either the issues of jurisdiction or that no action for which relief can be granted has been pleaded against these two defendants. IT IS ORDERED that Jim Robinson and Freerepublic are DISMISSED as party defendants in this cause.

Plaintiff Hamad has filed "Plaintiff's Motion for a Partial Summary Judgment, a Motion to Set a Trial Date by Jury to Determine Damages, and a Motion for an Injunctive Order" on June 22, 2006. The Motion for Partial Summary Judgment is DENIED. The motion provides no evidence

in admissible form for any summary judgment against any of the defendants, most already dismissed. The Motion to Set a Trial by Jury to Determine Damages is construed as a request for jury trial, which the Clerk will record, but there is no necessity to set this case for trial, as it is not ready for trial at the present time. The Motion for an Injunctive Order is DENIED.

The plaintiff Hamad also files a Motion for Rehearing regarding this Court's order dismissing the Center for Study of Popular Culture and David Horowitz. There is nothing in the plaintiff's motion or attachments to the same that in any way would alter or change the order dismissing the Study of Popular Culture and David Horowitz, and therefore, the Motion for Reconsideration is DENIED.

On July 25, 2006, the undersigned placed Riad Elsolh Hamad on notice of is violation of Rule 11 of the Federal Rules of Civil Procedure. He has filed this lawsuit against the State of Texas when clearly there was no federal court jurisdiction. He has filed causes of action against multiple parties when clearly (in his own pleadings) the statute of limitations has run. He has sued multiple parties and failed to contest their contentions of no personal jurisdiction. Notwithstanding this Court's warning and its order, Riad Elsolh Hamad continues to sue additional parties on the same theories. His allegations in amended complaints are not filed for any purpose and simply harass and cause unnecessary delay or needless increase in the cost of litigation. The pleadings of plaintiff Hamad in this case are extensive; the attachments appear to be irrelevant to any issue he attempt to present; in five amended complaints, Hamad espouses no legal theory for which recovery can be made against any of the multitude of defendants sued in this case, and therefore, his pleadings to date are wholly frivolous and have no support in the law.

IT IS THEREFORE ORDERED that the plaintiff Riad Elsolh Hamad, by filing the pleadings in this case and declining to dismiss this lawsuit after warning by court order is sanctioned pursuant to Rule 11 of the Federal Rules of Civil Procedure. The Court sanctions Riad Elsolh Hamad ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) for every defendant he has sued and served in this lawsuit subsequent to this Court'S order of June 26, 2006, for a total of THREE THOUSAND AND NO/100 DOLLARS (\$3,000.00) (State of Texas, Daniel Pipes and Middle East Forum, and Jim Robinson and FreeRepublic).\*

SIGNED this the 6<sup>th</sup> day of September 2006.

  
UNITED STATES DISTRICT JUDGE

---

\*The Court's file establishes there may be service on Laurence Simon, Joe Kaufman, Americans Against Hate, and MilitantIslammonitor.org, but no responsive pleadings have been filed. Dotster, Inc. has filed for extension to answer until the plaintiff Hamad has replied to the Rule 11 order. However, Hamad has filed a notice of appeal on this interlocutory order and, when his appeal is dismissed, the Court will enter a final judgment as to all defendants dismissed with the Rule 11 sanctions.