

UNPUBLISHED

**UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

JOSEPH R. JOHNSON,  
*Plaintiff-Appellant,*

v.

CIRCUIT CITY STORES, INCORPORATED;  
FIRST NORTH AMERICAN NATIONAL  
BANK,

*Defendants-Appellees.*

No. 01-1244

Appeal from the United States District Court  
for the Eastern District of Virginia, at Alexandria.  
Leonie M. Brinkema, District Judge.  
(CA-98-1407-A)

In Re: JOSEPH R. JOHNSON,

*Petitioner.*

No. 01-6286

On Petition for Writ of Mandamus.  
(CA-98-1407-A)

Submitted: June 29, 2001

Decided: September 10, 2001

Before WILKINS, LUTTIG, and MICHAEL, Circuit Judges.

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No. 01-1244 affirmed and No. 01-6286 petition denied by unpub-  
lished per curiam opinion.

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**COUNSEL**

Joseph R. Johnson, Appellant Pro Se. Waller Trolinger Dudley, Robert J. Lloyd, III, MCGUIRE WOODS, L.L.P., McLean, Virginia, for Appellees.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

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**OPINION****PER CURIAM:**

Joseph Johnson appeals the district court's orders directing that Johnson's notice of dismissal not be filed in a closed case and denying his motions to set aside the judgment and for a hearing on the matter. Johnson has also filed a petition for writ of mandamus requesting that this court direct the district court to file the notice of dismissal. We have reviewed the record and the district court's orders and find no reversible error. We therefore affirm the orders on the reasoning of the district court. We deny Johnson's mandamus petition because he is not entitled to the relief he seeks.

The Appellees have filed a motion for sanctions under Fed. R. App. P. 38. Johnson's filing of this appeal, asking the court to revisit litigation that was finally decided on its merits nearly two years ago, is sufficiently abusive to merit granting sanctions in favor of the Appellees. *In re Vincent*, 105 F.3d 943, 945 (4th Cir. 1997). Johnson's litigation efforts are obviously misguided and it is clear from the record that he has acted in bad faith. *Chambers v. NASCO*, 501 U.S. 32, 45-46 (1991). At this point, it appears that absent intervention by this court, Johnson will continue to file frivolous appeals.\* Johnson has had

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\*Aside from the appeals sub judice, Johnson has filed seven other appeals involving the Appellees, all of which were frivolous. *See Johnson v. Circuit City Stores, Inc.*, Nos. 99-2020, 99-2021, 99-2022, 00-2144, 00-2145, 00-2146, 01-6078.

notice from the court regarding the possibility of Rule 38 sanctions and was afforded reasonable opportunity to respond and he has done so. *See* Fed. R. App. P. 38.

In lieu of particularized fees and costs, we order Johnson to pay sanctions in the amount of \$500.00. *See Vincent*, 105 F.3d at 945; *Brock v. Angelone*, 105 F.3d 952, 954 (4th Cir. 1997). Additionally, we enjoin Johnson from filing any further civil appeals in this court until the monetary sanctions are paid, and unless a district court judge certifies that his appeal is not frivolous. *See Brock*, 105 F.3d at 954.

We deny Johnson's motion to waive copy requirements. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

No. 01-1244 - *AFFIRMED*

No. 01-6286 - *PETITION DENIED*