

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**CRAIG CUNNINGHAM,**

**Plaintiff,**

**v.**

**CREDIT MANAGEMENT, L.P.; et al.**

**Defendants.**

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**Civil Action No. 3:09-cv-1497-G**

**ORDER**

Before the Court is Defendants’ December 8, 2009 Motion for Security for Costs. The Court has reviewed the evidence and arguments offered by the parties and **DENIES** the motion.

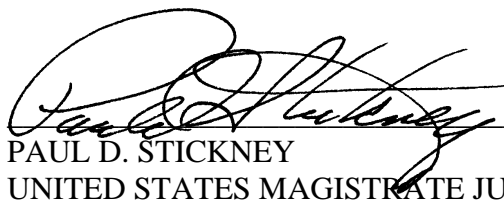
There are no general jurisprudential rules governing the imposition of security for costs. *Ehm v. Amtrak Bd. of Dirs.*, 780 F.2d 516, 517 (5th Cir. 1986). However, “a district court has inherent power to require security for costs when warranted by the circumstances of the case.” *Id.* In *Ehm*, the imposition of a security bond was proper because defendant Amtrak showed: 1) the plaintiff had engaged in harassment by filing "numerous actions" against Amtrak, 2) that many of the plaintiff’s prior lawsuits were "repetitious or of doubtful legal merit," and 3) the plaintiff had "failed to pay any of the costs assessed against him in several actions in which he failed to prevail." *Id.* at 517-18.

The circumstances of this case are far different than those presented in *Ehm*. Though Plaintiff admits to being a "veteran pro se litigant" [Plaintiff’s Response in Opposition to Defendants’ Motion for Security of Costs ¶ 34], Defendants have failed to show that Plaintiff’s litigious history is marked by frivolity. Indeed, a sister court reviewing Plaintiff’s prior cases noted that it "appears

that Plaintiff has not frivolously filed past suits."<sup>1</sup> Furthermore, though Plaintiff has requested to proceed *in forma pauperis* in other cases, those requests were denied, and Defendants have not otherwise established that Plaintiff would be unable or unwilling to pay Defendants' costs should the Court so order. Therefore, Defendants are not entitled to security for costs.

For the foregoing reasons, Defendants' Motion for Security for Costs is **DENIED**.

**SO ORDERED**, January 19, 2010.



PAUL D. STICKNEY  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup>United States Magistrate Judge's Final Report and Recommendation, *FDCPA Case Listing Service, L.L.C. v. Cunningham*, No. 1:08-cv-1768 (N.D. Ga. Oct. 7, 2008).