

Affirmed and Opinion filed May 3, 2001.



In The

Fourteenth Court of Appeals

NO. 14-99-01219-CV

KEITH LADONN CHAPPEL, Appellant

V.

**CHARLES STANDLEY, KELVIN LEIGH,
ROBERT ISAAC, AND LT. ALAN DAY, Appellees**

**On Appeal from the 12th District Court
Walker County, Texas
Trial Court Cause No. 20,511-C**

OPINION

Keith Ladonn Chappel, an inmate of the Texas Department of Criminal Justice, Institutional Division, appeals from a final order dismissing his lawsuit against appellees. We affirm.

Appellant, proceeding *pro se, in forma pauperis*, filed suit against appellees alleging that they destroyed certain personal property during a search of his prison cell. The trial court dismissed the suit on grounds that appellant failed to file a proper and complete affidavit relating to previous filings in violation of section 14.004 of the Civil Practices and Remedies

Code and failed to file a proper and complete affidavit relating to the grievance system decision, exhaustion of administrative remedies, in violation of section 14.005(a) of the Code. After appellant filed a motion to reinstate, the trial court issued another dismissal order stating that appellant had failed to meet the requirements of section 14.005(b) of the Code, which requires that he file his original petition before the thirty-first day after he received a written decision from the grievance system.

In appellant's first point of error, he complains the trial court erred when, relying on the faulty affidavits, it dismissed the suit with prejudice. In appellant's second point, he raises several complaints about the dismissal pursuant to section 14.005(b), specifically that Chapter 14 violates state and federal equal protection guarantees, federal due process and state due course of law rights, and the state right of access to courts. The second point is dispositive.

We review a trial court's dismissal of an inmate's suit under Chapter 14 of the Code under an abuse of discretion standard. *See* TEX. CIV. PRAC. & REM. CODE ANN. § 14.004 (Vernon Supp. 2000); *Clark v. Unit*, 23 S.W.2d 420, 421 (Tex. App.—Houston [1st Dist.] 2000, pet. denied). Appellant does not dispute that his suit was untimely filed in violation of section 14.005(b). He argues, rather, that the application of section 14.005(b) violates certain rights. We have previously determined that a trial court's dismissal of an inmate's suit for failure to meet the thirty-one day deadline does not violate state and federal equal protection guarantees or the state right of access to courts. *Sanders v. Palunsky*, 36 S.W.3d 222, 225 (Tex. App.—Houston [14th Dist.] 2001, rule 53.7(f) motion filed). As for appellant's due process argument, he cites only a case dealing with racial segregation in prison having no apparent relevance to his complaint *See Lee v. Washington*, 390 U.S. 333, 88 S. Ct. 994, 19 L. Ed. 2d 1212 (1968) (holding that racial segregation in state prisons and jails violates Fourteenth Amendment). For his due course of law argument, he cites no authority at all. By citing no relevant authority, he has waived his complaints. *See* TEX. R. APP. P. 38.1(h). Moreover, his complaints seem to be that the State's deprivation of access to courts violates due process and due course of law guarantees. As this court has previously determined, section 14.005(b) does not unlawfully deprive an inmate of access to courts. *See Sanders*,

36 S.W3d at 227. Therefore, appellant's due process and due course of law arguments fail.

Appellant has demonstrated no error on the part of the trial court. We overrule appellant's second point of error, dismiss his first as moot, and affirm the order of the trial court dismissing his suit.

PER CURIAM

Judgment rendered and Opinion filed May 3, 2001.

Panel consists of Justices Edelman and Frost and Senior Chief Justice Murphy.¹

Do Not Publish — TEX. R. APP. P. 47.3(b).

¹ Senior Chief Justice Paul C. Murphy sitting by assignment.