

Affirmed and Opinion filed August 10, 2000.



In The

Fourteenth Court of Appeals

NO. 14-99-00425-CV

BRUCE HILL, Appellant

V.

GENE WOODS, ET AL., Appellees

**On Appeal from the 12th District Court
Walker County, Texas
Trial Court Cause No. 20,338**

O P I N I O N

Appellant, Bruce Hill, appeals from an order dismissing his *pro se, in forma pauperis* suit under Chapter 14 of the Texas Civil Practice and Remedies Code. Finding no abuse of discretion by the trial court, we affirm.

Hill is an inmate at the Estelle Unit of the Texas Department of Criminal Justice-Institutional Division ("TDCJ-ID"). Hill filed a lawsuit against Gene Woods, Benito Moya, Clarence Glass, Sammy Wright, Dinah Lovelady, Frankie L. Reescano, Steve Lane, and Curtis Daigle, all of whom are employed by TDCJ-ID at the Estelle Unit, alleging that his civil rights had been violated. The trial court ordered an evidentiary hearing under the

Section 14.008 of the Texas Civil Practice and Remedies Code to determine whether there was an “arguable basis in fact and in law” for any of Hill’s claims. Following that hearing, the trial court found that Hill’s complaint failed to “comply with Section 14.004 of the Texas Civil Practice and Remedies Code,” and dismissed his claims with prejudice.

We review a trial court’s dismissal of an inmate’s claims under Section 14.004 under an abuse of discretion standard. *See Hickson v. Moya*, 926 S.W.2d 397, 398 (Tex. App.—Waco 1996, no writ). A court abuses its discretion if it acts without reference to guiding rules or principles. *See Thomas v. Wichita Gen. Hosp.*, 952 S.W.2d 936, 939 (Tex. App.—Fort Worth 1997, writ denied).

Section 14.004 of the Civil Practice and Remedies Code requires an inmate who files an affidavit or unsworn declaration of inability to pay costs to file a separate affidavit or declaration setting out the following information:

- (1) identifying each suit, other than a suit under the Family Code, previously brought by the person and in which the person was not represented by an attorney, without regard to whether the person was an inmate at the time the suit was brought; and
- (2) describing each suit that was previously brought by:
 - (A) stating the operative facts for which relief was sought;
 - (B) listing the case name, cause number, and the court in which the suit was brought;
 - (C) identifying each party named in the suit; and
 - (D) stating the result of the suit, including whether the suit was dismissed as frivolous or malicious under Section 13.001 or Section 14.003 or otherwise.

TEX. CIV. PRAC. & REM. CODE ANN. § 14.004(a) (Vernon Supp.2000). The purpose of Section 14.004 is to curb constant, often duplicative, inmate litigation, by requiring the inmate to notify the trial court of previous litigation and the outcome. *See Bell v. Texas Dep’t. of Criminal Justice-Institutional Div.*, 962 S.W.2d 156, 158 (Tex. App.—Houston [14th Dist.] 1998, no pet.). If provided with the information required by Section 14.004, the

trial court can determine, based on the previous filings, whether the suit was frivolous because the inmate already filed a similar claim. *See id.*

Here, the “affidavit” filed with Hill’s petition does not comply with Section 14.004. While Hill does list the courts and cause numbers for his previous lawsuits, he does not include the operative facts for which relief was sought in those suits, nor does he identify each party to those suits. It is well settled that the dismissal of a suit for failure to comply with Section 14.004 is not an abuse of discretion. *See Samuels v. Strain*, 11 S.W.3d 404, 406-07 (Tex. App.—Houston [1st Dist.] 2000, no pet.); *Bell*, 962 S.W.2d at 158; *Hickson*, 926 S.W.2d at 398. Because Hill did not comply with Section 14.004, we hold that the trial court did not abuse its discretion in dismissing his suit.

PER CURIAM

Judgment rendered and Opinion filed August 10, 2000.

Panel consists of Fowler, Edelman, and Draughn.¹

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

¹ Senior Justice Joe L. Draughn sitting by assignment.