

In The
Court of Appeals
Ninth District of Texas at Beaumont

NO. 09-11-00081-CV

DONALD JACKSON, Appellant

V.

**CHRIS CHAMPAGNE, GINA JUAREZ, TED BLANCHARD
AND LAUREL DANIELS, Appellees**

**On Appeal from the 58th District Court
Jefferson County, Texas
Trial Cause No. A-188,748**

MEMORANDUM OPINION

Donald Jackson, acting *pro se*, requested a writ of injunction against Chris Champagne, Gina Juarez, Ted Blanchard, and Laurel Daniels. Jackson, a parolee who is a resident of a halfway house, contends the defendants conspired to interfere with his right of access to the courts by restricting his use of the county law library. The trial court denied the request.

The petition alleges that the defendants limited Jackson's time at the county law library to two hours a week, and that this restriction hinders his ability to research and

pursue his legal claims. Jackson asks the trial court to enjoin the defendants from interfering with his access to the courts. In their response to the injunction request, Champagne and Juarez assert, among other things, that Jackson failed to show he has been prejudiced by the alleged denial of access to the courts. The trial court held an evidentiary hearing. The written order states that Jackson “failed to show under law that he is entitled to injunctive relief.”

Two witnesses appeared at the hearing. Gina Juarez, a Texas Department of Criminal Justice parole officer, testified that Jackson was one of the parolees she supervised. Juarez explained that the office policy is to allow a parolee access to the Jefferson County Law Library once a week for four hours. The parole office cannot give one person more time than another. Juarez explained that obtaining gainful employment for parolees is one of the objectives of the parole division, and that the primary objective of the halfway house is to reintegrate the parolees into society. Chris Champagne, a Texas Department of Criminal Justice employee, works in the contract division and monitors private facilities. He explained that his job does not address the amount of time that parolees spend in the Jefferson County law library.

In *White v. Gregory*, 87 F.3d 429, 430 (10th Cir. 1996), the court determined that a prisoner whose sole complaint was that his access to the law library was limited to two hours per week did not raise a constitutional violation. A prisoner must show actual injury to prevail on a claim of denial of access to the courts. *Lewis v. Casey*, 518 U.S.

343, 349, 116 S.Ct. 2174, 135 L.Ed.2d 606 (1996). Although Jackson argues that the number of available hours for law library research is insufficient, he has not shown that the lack of additional hours prevented him from filing an appellate brief, that he missed any filing deadlines regarding his appeals, or that he otherwise suffered any prejudice as a result of the alleged limitation. The trial court did not abuse its discretion in denying the request for an injunction. We overrule Jackson's issue. The trial court's order is affirmed.

AFFIRMED.

DAVID GAULTNEY
Justice

Submitted on May 12, 2011
Opinion Delivered July 14, 2011

Before McKeithen, C.J., Gaultney and Kreger, JJ.