

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

December 30, 2013

Lyle W. Cayce
Clerk

No. 13-20306
Summary Calendar

BRENT VONCEY FIELDS,

Plaintiff - Appellant

v.

TOMMY GAGE, Sheriff, in and for Montgomery County Texas; MAGGI
CARMICHAEL, Open Record Division Management for Montgomery County
Sheriff's Office,

Defendants - Appellees

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:13-CV-1066

Before KING, BARKSDALE, and HIGGINSON, Circuit Judges.

PER CURIAM:*

Brent Voncey Fields, Texas prisoner # 1494161, proceeding *pro se* and *in forma pauperis*, challenges the dismissal of his action pursuant to 42 U.S.C. § 1983. Fields contends he is entitled to copies of records regarding the dates and times his attorney visited him when he was in the Montgomery County Jail. He also claims Texas Government Code § 552.028, which allows Texas

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

No. 13-20306

agencies to refuse prisoners' requests for records, violates his right to due process.

The dismissal of the complaint is reviewed *de novo*. *Anderson v. Jackson*, 556 F.3d 351, 355 (5th Cir. 2009). Fields has no federally-protected right to receive copies of state records. *Colbert v. Beto*, 439 F.2d 1130, 1131 (5th Cir. 1971); *see, e.g., Moreno v. Curry*, No. 06-11277, 2007 WL 4467580, at *2 (5th Cir. 20 Dec. 2007) (per curiam) (unpublished) (quoting *Colbert* and reaching same result in appeal from denial of request under Texas Government Code § 552.028). Accordingly, his claim that Texas Government Code § 552.028 is unconstitutional is without merit.

AFFIRMED.