

NOT RECOMMENDED FOR FULL-TEXT PUBLICATION

File Name: 06a0889n.06

Filed: December 12, 2006

No. 05-2249

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

MILTON WAYNE PERRY,)

Plaintiff-Appellant,)

v.)

KATHY HONTON, Head Librarian,)

Defendant-Appellee.)

**ON APPEAL FROM THE
UNITED STATES DISTRICT
COURT FOR THE EASTERN
DISTRICT OF MICHIGAN**

**M E M O R A N D U M
O P I N I O N**

BEFORE: MARTIN, NORRIS, and GIBBONS, Circuit Judges.

PER CURIAM. Plaintiff Milton Wayne Perry, a Michigan prisoner proceeding pro se, appeals from the dismissal of his civil rights suit for failure to state a viable claim. Seeking monetary relief in the amount of \$5,000,000.00, plaintiff filed suit against Kathy Honton, head librarian at the Southern Michigan Correctional Facility Reception and Guidance Center, for allegedly failing to make photocopies of plaintiff's application for leave to appeal his criminal conviction to the Michigan Supreme Court. According to the complaint, her actions (or lack thereof) effectively denied him his constitutional right of access to the courts under the First and Fourteenth Amendments. *See Lewis v. Casey*, 518 U.S. 343, 354 (1996).

As the district court pointed out in its opinion and order dismissing this suit, in addition to actual injury, a plaintiff must establish more than mere negligence on the part of defendant. *See*

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generally Sims v. Landrum, 170 Fed. Appx. 954, 956 (6th Cir. 2006) (collecting cases). Having had an opportunity to review the record and arguments advanced by plaintiff, we are of the opinion that the district court correctly concluded that plaintiff had not met this burden. A reasoned opinion by this court would merely mirror the analysis provided by the district court and would serve no useful purpose.

The judgment of the district court is **affirmed** based upon its Opinion and Order of Summary Dismissal filed on August 11, 2005.