

BRUCE LEROY PERRY,  
Plaintiff,

*versus*

KELLY L. STRONG, *et al.*,  
Defendants.

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Civil Action 10-5185

### Opinion on Dismissal

Bruce Leroy Perry sues Texas prison officials and officers Warden Kelly Strong, Asst. Warden Kirt D. Stiefer, L. Montel, William A. Pendergraft, Laura B. Carter, and Robin S. Staples for civil rights violations under 42 U.S.C. § 1983. He moves to proceed as a pauper. Perry is held in a Texas prison.

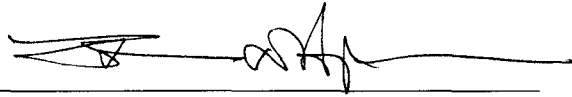
Perry’s claims follow. The district court in the Northern District of Texas had ordered Perry to comply with one of its ruling in case number 4:08-cv-028. Perry tried to get supplies from prison officers to comply with the court’s ruling. Despite the federal court order, the officers completely prevented him from gaining the supplies and postage he needed to follow the order. This denied Perry access to the courts in violation of the first amendment. Perry seeks an order from this court that he be allowed to re-file his pleadings in the Northern District of Texas.

This court cannot grant relief in another case in a different federal court. A district court cannot grant injunctive relief against another district court. *Mullis v. United States Bankruptcy Court*, 828 F.2d 1385, 1392-93 (9th Cir. 1987). That would be like a “horizontal appeal from one district court to another,” which is improper. *Id.* The proper remedy for Perry’s complaint about his lawsuit is the appellate process, not a new lawsuit. *Mason v. Judges of the United States Court of Appeals*, 952 F.2d 423, 426 (D.C. Cir. 1991).

This case will be dismissed. Perry’s motion to proceed as a pauper (2) is granted. The Texas Department of Criminal Justice-Institutional Division will deduct 20% of each deposit made to the plaintiff’s inmate trust account and pay this to the court regularly, provided the account

exceeds \$10, until the \$350 filing fee is paid. The clerk will send a copy to the Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629, Fax: 936-437-4793 and to the Clerk for the Eastern District of Texas, 211 West Ferguson, Tyler, Texas 75702, Three-Strikes List.

Signed February 3, 2011, at Houston, Texas.

A handwritten signature in black ink, appearing to read "Lynn N. Hughes", written over a horizontal line.

Lynn N. Hughes  
United States District Judge