

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

STATE OF LOUISIANA

NO. 2014 KW 1788

VERSUS

ANDREW D. WETZEL

MAR 27 2015

In Re: Andrew D. Wetzel, applying for supervisory writs, 22nd Judicial District Court, Parish of St. Tammany, No. 472552.


BEFORE: McDONALD, CRAIN AND HOLDRIDGE, JJ.

WRIT DENIED. The documents attached to Relator's writ application do not establish an exception to the time limitations of Louisiana Code of Criminal Procedure article 930.8; therefore, Relator's applications for post-conviction relief are untimely.

Relator has filed more than fifty writ applications with this Court in the last six years. The subject writ concerns Relator's sixth and seventh pro se applications for post-conviction relief. Inmates have a First Amendment constitutional right of meaningful access to the courts; however, that right is limited to a reasonably adequate opportunity to file non-frivolous legal claims challenging their convictions or conditions of confinement. See **Lewis v. Casey**, 518 U.S. 343, 354-56, 116 S.Ct. 2174, 2181-82, 135 L.Ed.2d 606 (1996); **Johnson v. Rodriguez**, 110 F.3d 299, 310-11 (5th Cir.), cert. denied, 522 U.S. 995, 118 S.Ct. 559, 139 L.Ed.2d 400 (1997). By persistently filing pleadings that clearly contain frivolous and false claims, Relator has habitually burdened and abused the legal system. We caution Relator that by signing such pleadings, he certifies that he believes the pleadings are well-grounded in fact, legally tenable, and not interposed for any improper purpose. See La. Code Civ. Pro. art. 863D; La. R.S. 15:183; **Hampton v. Greenfield**, 618 So. 2d 859, 862 (La. 1993). If this practice continues and the trial court determines that Relator has violated the certification requirements, it "shall" impose appropriate sanctions. See La. Code Civ. P. art. 863D; compare **Zatko v. California**, 502 U.S. 16, 17, 112 S.Ct. 355, 356, 116 L.Ed.2d 293 (1991) (per curiam) (wherein the United States Supreme Court denied leave to proceed in forma pauperis due to repetitious filings that constituted "an extreme abuse of the system.")

GH
JMM
WJC

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DEPUTY CLERK OF COURT
FOR THE COURT