

NO. 12-08-00316-CV

IN THE COURT OF APPEALS

TWELFTH COURT OF APPEALS DISTRICT

TYLER, TEXAS

<i>CEDRIC CHRISTOPHER EDISON,</i> <i>APPELLANT</i>	§	<i>APPEAL FROM THE 369TH</i>
<i>V.</i>	§	<i>JUDICIAL DISTRICT COURT</i>
<i>ROBERT DEGUZMAN AND</i> <i>DEBORAH S. ENAD DEGUZMAN,</i> <i>APPELLEES</i>	§	<i>ANDERSON COUNTY, TEXAS</i>

MEMORANDUM OPINION

Cedric Christopher Edison appeals from the dismissal of his lawsuit against Robert DeGuzman and Deborah S. Enad DeGuzman. Edison’s petition is entitled “Texas Tort Claim for Damages.” In it, he complains that the DeGuzmans falsely stated that he committed a crime and he is currently incarcerated because of their actions. The trial court dismissed his suit pursuant to Chapter Fourteen of the Texas Civil Practice and Remedies Code, finding the claim to be frivolous or malicious. In a single issue, Edison asserts the trial court erred in dismissing his suit because his suit is not governed by Chapter Fourteen. We affirm.

Chapter Fourteen of the Texas Civil Practice and Remedies Code is entitled “Inmate Litigation” and by its terms applies to suits, other than suits brought under the Texas Family Code, filed in a district court by an inmate who has filed an affidavit or unsworn declaration of inability to pay costs. TEX. CIV. PRAC. & REM. CODE ANN. § 14.002 (Vernon 2002). When an inmate plaintiff files an affidavit or unsworn declaration of inability to pay, the trial court has broad discretion to dismiss the suit as frivolous or malicious. *Id.* § 14.003(a)(2).

“Chapter Fourteen was designed to control the flood of frivolous lawsuits being filed in the courts of this State by prison inmates, consuming valuable judicial resources with little offsetting benefit.” *Hickson v. Moya*, 926 S.W.2d 397, 399 (Tex. App.–Waco 1996, no writ). The legislature chose to address the problem by reviewing the party initiating the claim and the

adequacy of the claim. Chris Colby, *There's A New Sheriff in Town: The Texas Vexatious Litigants Statute and Its Application to Frivolous and Harassing Litigation*, 31 TEX. TECH L. REV. 1291, 1301 (2000). Edison is an inmate in a Texas prison, and he signed and filed an application to proceed in forma pauperis in connection with this lawsuit. Accordingly, Chapter Fourteen applies to Edison's suit against the DeGuzmans.

We overrule Edison's sole issue, and we *affirm* the trial court's judgment.

SAM GRIFFITH

Justice

Opinion delivered December 31, 2009.

Panel consisted of Worthen, C.J., Griffith, J., and Hoyle, J.

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