

IN THE UTAH COURT OF APPEALS

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William Sherratt,	)	MEMORANDUM DECISION
	)	(Not For Official Publication)
Petitioner and Appellant,	)	
	)	Case No. 20050108-CA
v.	)	
	)	F I L E D
Clint Friel,	)	(November 10, 2005)
	)	
Respondent and Appellee.	)	<span style="border: 1px solid black; padding: 2px;">2005 UT App 484</span>

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Third District, Salt Lake Department, 040922903  
The Honorable Bruce C. Lubeck

Attorneys: William Sherratt, Draper, Appellant Pro Se  
Mark L. Shurtleff and Nancy L. Kemp, Salt Lake City,  
for Appellee

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Before Judges Davis, McHugh, and Orme.

PER CURIAM:

William Sherratt appeals the district court's dismissal of his petition for extraordinary relief. We affirm.

Sherratt's petition was dismissed pursuant to a motion filed under rule 12(b)(6) of the Utah Rules of Civil Procedure. "When reviewing a trial court's grant of a rule 12(b)(6) motion to dismiss, 'we accept the factual allegations in the complaint as true and consider them and all reasonable inferences to be drawn from them in a light most favorable to the plaintiff.'" Alvarez v. Galetka, 933 P.2d 987, 989 (Utah 1997) (quoting St. Benedict's Hosp. v. St. Benedict's Hosp., 811 P.2d 194, 196 (Utah 1991)). "Because the propriety of a 12(b)(6) dismissal is a question of law, we give the trial court's ruling no deference and review it under a correctness standard." Id. (quotations and citation omitted).

Sherratt alleges that he was denied access to the courts and that he suffered retaliation by certain prison personnel due to grievances he filed. He argues the district court improperly dismissed his petition for extraordinary relief in light of these allegations.

However, Sherratt has failed to allege any injury or prejudice resulting from the purported interference with his right of access to the courts. This failure is fatal to his claim. See Lewis v. Casey, 518 U.S. 343, 349 (1996); see also Treff v. Galetka, 74 F.3d 191, 194 (10th Cir. 1996) (holding that, in order to state a claim for denial of access to the courts, a prisoner "must show that any denial or delay of access to the court prejudiced him in pursuing litigation").

In addition, while Sherratt alleges that he was assigned to a new cell block in retaliation for the filing of grievances, there is no constitutional right to housing in a particular facility, let alone a cell block within that facility. See Meachum v. Fano, 427 U.S. 215, 224 (1976).

We affirm the district court's order dismissing Sherratt's petition.

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James Z. Davis, Judge

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Carolyn B. McHugh, Judge

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Gregory K. Orme, Judge