

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-20199
Conference Calendar

RODNEY LLOYD GRANVILLE,

Plaintiff-Appellant,

versus

MARY DRINKARD, ET AL.,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-92-3413
- - - - -

(July 19, 1994)

Before POLITZ, Chief Judge, and JOLLY and DAVIS, Circuit Judges.

PER CURIAM:*

Rodney Lloyd Granville argues that he was denied law library access for visits with inmate Lee for the dates of June 20, 1992, July 2, 1992, July 7, 1992, and October 2, 1992. Granville contends that the denials hindered his access to the courts and prejudiced him because Lee knew how to file a tort action, whereas, he did not.

Prisoners have a constitutional right of access to the courts which requires prison authorities "to assist inmates in the preparation and filing of meaningful legal papers . . . "

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Bounds v. Smith, 430 U.S. 817, 828, 97 S.Ct. 1491, 52 L.Ed.2d 72 (1977). A prisoner may establish a violation of this right by showing that he was not provided with the means to file a legally sufficient claim. Mann v. Smith, 796 F.2d 79, 84 (5th Cir. 1986). A denial-of-access-to-the-courts claim is not valid if a litigant's position is not prejudiced by the alleged violation. Henthorn v. Swinson, 955 F.2d 351, 354 (5th Cir.), cert. denied, 112 S.Ct. 2974 (1992).

Granville admits that he and Lee were granted law library access for legal visits for the dates of June 23, 1992, July 3, 1992, July 8, 1992, and October 6, 1992. Granville also acknowledges that since June 1, 1992, he has been to the law library 50 times for sessions by himself, has had an additional 72 legal visits with Lee, and had one legal visit with inmate Troy Mitchell, for a total of 123 visits to the law library.

Granville also argued that defendant Romy Graham's denial of Granville's July 2nd and October 2nd visits were done with a retaliatory motive. Nothing in Granville's complaint indicates that Graham's denials of Granville's requests to the law library were based on any retaliatory motive.

The district court did not err in determining that Granville's claim of denial of access to the courts had no arguable basis in law and in dismissing Granville's complaint as frivolous pursuant to 28 U.S.C. § 1915(d). Denton v. Hernandez, ___U.S.___, 112 S.Ct. 1728, 1733, 118 L.Ed.2d 340 (1992).

Ordinarily, imposition of sanctions against a pro se litigant is preceded by a warning. See Moody v. Baker, 857 F.2d

256, 258 (5th Cir.), cert. denied, 488 U.S. 985 (1988). However, Granville's denial-of-access-to-the-courts claim is blatantly and utterly frivolous in light of his 123 visits to the law library.

Accordingly, we impose against Granville a monetary sanction of \$100. Until Granville pays the Clerk of this Court the entire \$100 monetary sanction imposed, he will not be permitted to file any further pleadings, either in the district courts of this Circuit or in this Court, without obtaining leave of court to do so. Granville is also instructed to review any other appeals pending in this Court and, if they are frivolous, to withdraw them. We caution Granville that if he persists in his frivolous filings, he will be subject to the full panoply of this Court's sanctions, including permanent denial of access to the courts.

AFFIRMED.