

SUPREME COURT OF WYOMING

Belden v. Lampert, 2011 WY 83

251 P.3d 325 (Wyo. 2011) · No. S-10-0237 · Decided May 24, 2011

SUMMARY

The Wyoming Supreme Court affirmed dismissal of Gary Lee Belden's 42 U.S.C. § 1983 action alleging that inadequate access to Wyoming legal research materials in a Nevada prison denied him meaningful access to the courts. The court held that Belden failed to allege an actual injury because he did not identify a viable post-conviction claim that was lost due to the alleged library deficiencies. The court declined to address his claim concerning a prison transfer because it was raised for the first time on appeal.

CASE DETAILS

COURT	Supreme Court of Wyoming
WRITING FOR THE COURT	Burke, Justice; Kite, C.J.; Golden, J.; Hill, J.; Voigt, J.; Burke, J.
JURISDICTION	Wyoming
DECIDED	May 24, 2011
DOCKET	S-10-0237
DISPOSITION	affirmed
PROCEDURAL POSTURE	Belden brought a 42 U.S.C. § 1983 action alleging that inadequate access to Wyoming legal research materials at a Nevada correctional facility denied him meaningful access to the courts. The Goshen County District Court dismissed the complaint under W.R.C.P. 12(b)(6) for failure to state a claim, and Belden appealed.
STANDARD OF REVIEW	The court reviews a W.R.C.P. 12(b)(6) dismissal by accepting the facts stated in the complaint as true and viewing them in the light most favorable to the plaintiff; dismissal is sustained when it is certain from the face of the complaint that the plaintiff cannot assert any fact entitling him to relief.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	Gary Lee Belden v. Robert O. Lampert, Director, Wyoming Department of Corrections, in his person as Director of Wyoming Out of State Prisoners

TOPICS

section 1983 prisoners rights civil rights post-conviction relief appellate procedure

PRACTICE AREAS

civil rights prisoner litigation post-conviction relief appellate procedure

QUESTIONS PRESENTED

1. Whether the complaint alleged an actual injury sufficient to support a § 1983 claim based on inadequate access to legal research materials.
2. Whether Belden's transfer to another correctional facility five days before the motion-to-dismiss hearing prejudiced his ability to represent himself at the hearing.

HOLDINGS

1. A prisoner alleging denial of meaningful access to the courts must plead an actual injury showing that shortcomings in the prison library or legal assistance program hindered pursuit of a legal claim. Belden's complaint failed to allege actual injury because it did not identify a viable post-conviction claim that was lost or impaired by the alleged deficiencies.
2. The court would not address the alleged prejudice from Belden's transfer because the issue was raised for the first time on appeal and was neither jurisdictional nor fundamental.

KEY QUOTATIONS

"Because Bounds did not create an abstract, freestanding right to a law library or legal assistance, an inmate cannot establish relevant actual injury simply by establishing that his prison's law library or legal assistance program is subpar in some theoretical sense." (251 P.3d at 327)

"Insofar as the right vindicated by Bounds is concerned, 'meaningful access to the courts is the touchstone,' [Bounds, 430 U.S.] at 823[, 97 S. Ct. at 1495] (internal quotation marks omitted), and the inmate therefore must go one step further and demonstrate that the alleged shortcomings in the library or legal assistance program hindered his efforts to pursue a legal claim." (251 P.3d at 327)

FACTUAL BACKGROUND

Belden, who was convicted of first-degree sexual assault and first-degree murder and sentenced to life imprisonment, was transferred to High Desert State Prison in Nevada. He alleged that the Nevada prison library provided inadequate access to Wyoming law because Wyoming materials were available only through a single LexisNexis disc and an exact-citation retrieval system, and because staff lacked training in Wyoming law. He claimed these deficiencies prevented him from complying with time limits for seeking Wyoming post-conviction relief, but he did not identify any viable post-conviction claim. The court also noted that he had filed multiple petitions challenging his conviction while incarcerated and had court-appointed counsel in at least one proceeding.

PROCEDURAL HISTORY

Belden filed the action in the Goshen County District Court on April 28, 2010. The appellee moved to dismiss, asserting that Belden failed to allege actual injury and failed to exhaust administrative remedies. The district court granted the motion because the complaint did not allege facts sufficient to establish actual injury. The Wyoming Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Belden v. State, 2003 WY 89, 73 P.3d 1041 (Wyo. 2003)
- Belden v. Wyoming, 540 U.S. 1165, 124 S. Ct. 1179, 157 L. Ed. 2d 1212 (2004)
- Belden v. Wyo. Dep't of Corr., 251 Fed. Appx. 512 (10th Cir. 2007)
- Cramer v. Powder River Coal, LLC, 2009 WY 45, ¶ 35, 204 P.3d 974, 983 (Wyo. 2009)
- Bounds v. Smith, 430 U.S. 817, 822-23, 825, 828 (1977)
- Bieregu v. Reno, 59 F.3d 1445, 1453-54 (3d Cir. 1995)
- Lewis v. Casey, 518 U.S. 343, 349, 351 (1996)
- Phillips v. Ferguson, 182 F.3d 769, 771 (10th Cir. 1999)
- Taylor v. State, 2003 WY 97, ¶ 10, 74 P.3d 1236, 1239 (Wyo. 2003)
- Rauso v. Zimmerman, No. 3:97-CV-1841, 2006 WL 3717785, at *5 (M.D. Pa. Dec. 14, 2006)
- Oatts v. Jorgenson, 821 P.2d 108, 111 (Wyo. 1991)
- Erwin v. State, 2010 WY 117, ¶ 15, 237 P.3d 409, 414 (Wyo. 2010)
- Hronek v. Saint Joseph's Children's Home, 866 P.2d 1305, 1309 (Wyo. 1994)