

Affirmed and Opinion filed January 11, 2001.



In The

Fourteenth Court of Appeals

NO. 14-99-01400-CV

ELIZA RICHARDSON, Appellant

V.

L. MOORE and ONE UNIDENTIFIED CORRECTIONAL OFFICER, Appellees

**On Appeal from the 12th District Court
Walker County, Texas
Trial Court Cause No. 20,626**

OPINION

Eliza Richardson, an inmate of the Texas Department of Criminal Justice Institutional Division (TDCJ), appeals a final order dismissing his lawsuit against appellees on the ground that his videotaped "hearing" was not an evidentiary hearing, his petition was illegally dismissed, and the filing deadlines are unconstitutional. We affirm.

At various times throughout 1998 and 1999, appellant filed grievances with the TDCJ alleging his allegations of missing or stolen items of personal property. Finding the ensuing grievance decisions unsatisfactory, he filed suit in October of 1999 over the missing items of property. The trial court set an evidentiary hearing pursuant to TEX. CIV. PRAC. & REM. CODE ANN. § 14.008, which allowed the hearing to be held via video communications technology. The hearing was videotaped, with the videotape serving as the permanent record of the hearing. Following the hearing, the trial court entered an order dismissing appellant's lawsuit for failure to follow the applicable filing requirements, which appellant contends on appeal was error.

We review a trial court's dismissal of an inmate's claims under Section 14.004 of the Texas Civil Practice and Remedies Code under an abuse of discretion standard. *Clark v. Unit*, 23 S.W.3d 420, 421 (Tex. App. –Houston [1st Dist.] 2000, no writ); *Hickson v. Moya*, 926 S.W.2d 397, 398 (Tex. App. –Waco 1996, no writ). A trial court is to dismiss a claim brought by an inmate under Chapter 14 if the inmate fails to file the claim before the 31st day after the date the inmate received the written decision from the grievance system. TEX. CIV. PRAC. & REM. CODE ANN. § 14.005(b). According to the record in this case, appellant received written decisions denying the claims made the basis of his lawsuit at various times throughout 1998 and 1999, the latest being dated February 17, 1999. As a result, appellant did not file his lawsuit within thirty-one days after receiving such written decisions as required by § 14.005(b), and his lawsuit was properly dismissed.

Appellant does not dispute that his lawsuit was untimely, but instead argues that these statutory requirements are unreasonable and violate his constitutional right to due process and open courts. However, similar challenges have been addressed by other Texas courts and rejected. *See Randle v. Wilson*, 26 S.W.3d 513 (Tex. App. –Amarillo 2000, no writ); *Thomas v. Bush*, 23 S.W.3d 215 (Tex. App. –Beaumont 2000, no writ). We agree with those decisions. In addition, to the extent that appellant's point of error also complains that the videotaped evidentiary hearing was a "sham," it provides no supporting authority and directs us to no specific error made by the trial court.

Because it fails to demonstrate error by the trial court, appellant's point of error is overruled, and

the judgment of the trial court is affirmed.

PER CURIAM

Judgment rendered and Opinion filed January 11, 2001.

Panel consists of Justices Anderson, Fowler and Edelman.

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