

December 14, 2017

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

In the Matter of the Personal Restraint of:

CHARLES VERDEL FARNSWORTH,
JR.,

Petitioner.

Nos. 50403-1-II and 50585-1-II
(consolidated)

ORDER DISMISSING
PETITIONS

Charles Farnsworth, Jr. seeks relief from personal restraint imposed following his 2012 plea of guilty to first degree robbery. He argues that he is being denied access to the courts and his due process and equal protection rights because the Department of Corrections (DOC) would not provide legal postage, photocopies and envelopes in order to (1) mail a complaint for damages against DOC to DOC's contract attorney to have him serve the complaint on DOC, (2) file a state tort claim for damages, (3) mail letters to attorneys seeking legal assistance as to that complaint, and (4) mail letters to the attorney representing him in the appeal of his conviction.

An inmate's constitutional right to access to the courts requires the State to provide assistance in preparing a petition or complaint, and in filing that petition or complaint with the court, if they are challenging their convictions or their conditions of confinement. *Lewis v. Casey*, 518 U.S. 343, 354, 116 S. Ct. 2174, 135 L. Ed. 2d 606 (1996); *Cornett v. Donovan*, 51 F.3d 894, 898-99 (9th Cir. 1995), *cert. denied sub nom Henry v. Caballero*, 518 U.S. 1033 (1996).

But as to items (1), (2), and (3) above, Farnsworth is not challenging his conviction or his condition of confinement. He is seeking to file a slip-and-fall claim against DOC

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MP


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for injuries allegedly suffered from falling on walkways covered with snow and ice. The right to access to the courts does not extend to affirmative assistance in bringing legal claims such as slip-and-fall cases. *Lewis*, 518 U.S. at 355.

As to item (4), an inmate's right to access to the courts is not violated when the State refuses to provide postage for legal mail when the inmate has used his available postage for non-legal mail. *Glick v. Lockhart*, 769 F.2d 471, 472 (8th Cir.), *cert. denied*, 474 U.S. 997 (1985).

Accordingly, Farnsworth's claims that DOC has denied him access to the courts are frivolous. And because his due process and equal protection arguments rest on his access to the courts argument, they too are frivolous. Accordingly, it is hereby

ORDERED that Farnsworth's petitions are dismissed under RAP 16.11(b).



Acting Chief Judge

cc: Charles V. Farnsworth, Jr.
Douglas W. Carr