

**ENTERED**

July 10, 2017

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISIONGUADALUPE GUAJARDO, JR., *et al.*,

Plaintiffs,

v.

TEXAS DEPARTMENT OF  
CRIMINAL JUSTICE,

Defendant.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CIVIL ACTION NO. H-71-570

**ORDER**

State inmate Roderick Woodard (TDCJ #1668110) has filed a motion for a “show cause proceeding” in this prisoner class action case, which involved the correspondence rules for inmate mail in the Texas prison system and resulted in a consent decree that was approved over three decades ago. *See Guajardo v. Estelle*, 568 F. Supp. 1354 (S.D. Tex. 1983). Woodard alleges that the Texas Department of Criminal Justice is violating the consent decree and the First Amendment of the United States Constitution by restricting the number of envelopes and postage available to indigent offenders, which has hampered his ability to communicate with family and friends. He seeks injunctive relief and a finding of contempt for violations of the consent decree. Woodard’s motion (Docket Entry No. 1132) is denied for reasons set forth briefly below.

This case has been closed since September 20, 2002, when this court terminated the consent decree. The Fifth Circuit affirmed that decision and the Supreme Court denied further review. *See Guajardo v. Texas Dep’t of Crim. Justice*, 363 F.3d 392 (5th Cir.), *cert. denied*, 543 U.S. 818 (2004). Because the consent decree has been terminated, it no longer provides any basis for a finding of contempt or injunctive relief of the sort sought by Woodard.

To the extent that Woodard seeks relief for violations of his civil rights, he must pursue a separate civil action, which would be governed by 42 U.S.C. § 1983 and subject to restrictions imposed by the Prison Litigation Reform Act (“PLRA”). Woodard may not circumvent these restrictions by attempting to resurrect a closed class action.

Accordingly, it is **ORDERED** that the motions filed by Roderick Woodard (Docket Entry No. 1132) is **DENIED**.

The Clerk will provide a copy of this order to the movant.

Signed at Houston, Texas, on July 10, 2017.

A handwritten signature in black ink, appearing to read 'Lee H. Rosenthal', written over a horizontal line.

Lee H. Rosenthal  
Chief United States District Judge