

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

SK

Mark Wallace,

Petitioner

v.

Warden James Wynder, Jeffrey Beard  
Secretary of D.O.C., et al.,

Respondents

No. 207 M.D. 2005

PER CURIAM

ORDER

Now, July 13, 2005, upon consideration of respondents' preliminary objection in the nature of a demurrer, the demurrer is sustained, and the petition for review is dismissed.

Petitioner seeks a court order permitting pro se inmates at least 3 hours of daily access to the prison law library and directing respondent to implement a policy to guarantee said access. In order to state a claim for denial of access to the courts, an inmate must show an actual injury, in this case, that inadequate access to the law library hindered his ability to pursue a legal claim. Lewis v. Casey, 518 U.S. 343 (1996). Actual injury includes the loss of a nonfrivolous claim relating to a challenge to the inmates conviction or to the conditions of confinement. Id. Petitioner does not allege any actual injury caused by inadequate access to the prison law library. The constitution does not guarantee a prisoner unlimited access to a law library, and a limitation of library access to several hours per week, without more, does not violate a prisoner's constitutional right to access to the courts. Stevenson v. Palakovich, \_\_\_ F. Supp. 2d \_\_\_ (Civil Action No. 04-1908, E.D. Pa., decided June 1, 2005).