

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 23-2962

Curtis Dwayne Vaughn

Plaintiff - Appellant

v.

Sean M. Flannery, Administrator, Information Technology Support, Department of Computer Services, Missouri State University; IT Department of Computer Services, Missouri State University; Missouri State University

Defendants - Appellees

Appeal from U.S. District Court for the Western District of Missouri - Springfield
(6:22-cv-03301-MDH)

JUDGMENT

Before COLLOTON, BENTON, and KOBES, Circuit Judges.

This court has reviewed the original file of the United States District Court. It is ordered by the court that the judgment of the district court is summarily affirmed. See Eighth Circuit Rule 47A(a). The pending motions are denied as moot.

September 15, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

CURTIS DWAYNE VAUGHN,

Plaintiff,

vs.

SEAN M. FLANNERY, et al.,

Defendants.

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Case No. 6:22-cv-03301-MDH

ORDER

Before the Court are the following motions: Defendants' Motion to Dismiss (Doc. 15); Plaintiff's *pro se* Motion for permanent injunction (Doc. 19); Plaintiff's *pro se* motion to strike motion to dismiss (Doc. 28); Plaintiff's *pro se* motion for partial summary judgment (Doc. 33); Plaintiff's *pro se* motion to seal and file medical documents and disability documentation (Doc. 36); Plaintiff's *pro se* motion for rescheduling all conference and discovery (Doc. 38); Plaintiff's *pro se* motion for exemption of pacer fees (Doc. 40); Plaintiff's *pro se* motion for reasonable accommodation (Doc. 50); and Plaintiff's *pro se* motion for joinder of offences. (Doc. 53). Plaintiff appealed this Court's prior rulings. The Eighth Circuit has affirmed the Court's prior rulings. The motions are now ripe for review.

To begin, Plaintiff's allegations are not entirely clear. However, as best described in Defendant's motion to dismiss, Plaintiff has alleged a First Amendment violation arising out of alleged limitations placed on his ability to print documents at the Missouri State University campus. Plaintiff claims Defendants violated his freedom of press, of print, and of speech in limiting his ability to print at the MSU library. In essence, it appears Plaintiff does not want to

pay for printing documents at MSU and believes that because he has not been granted cost free printing his rights have been violated.

As set forth in Defendants' motion to dismiss there is no legal authority that entitles Plaintiff to free printing at MSU. Here, while Plaintiff is a private citizen seeking unlimited printing at a university, Defendants argue that even prison inmates have no constitutional right to subsidized photocopying. *Citing e.g., Reynolds v. Wagner*, 128 F.3d 166, 183 (3d Cir. 1997) ("there is no First Amendment right to subsidized mail or photocopying"); *Suarez v. Clark*, No. 1:22-CV-00160-JLT-SAB (PC), 2022 WL 1449186, at *2 (E.D. Cal. May 9, 2022); *Cooke v. Morgan*, No. CIV. 11-073-LPS, 2011 WL 5523267, at *4 (D. Del. Nov. 14, 2011); *Asemani v. Copes-Parker*, No. CIV.A. RDB-08-3507, 2009 WL 3048671, at *3 (D. Md. Sept. 17, 2009). Here, the Court finds no basis for Plaintiff's claim to have a constitutional right to cost free printing at the university.

In addition. Plaintiff appears to also allege discrimination. However, Plaintiff fails to allege how Defendants discriminated against Plaintiff, or any basis for discrimination. Plaintiff simply has not pled a cause of action for discrimination or First Amendment violations. For the reasons set forth in Defendants' motion, the Court finds Plaintiff has failed to state a cause of action to survive a 12(b)(6) motion to dismiss. The motion is granted and Plaintiff's claims are dismissed.

Finally, Plaintiff's *pro se* Motion for permanent injunction (Doc. 19); Plaintiff's *pro se* motion to strike motion to dismiss (Doc. 28); Plaintiff's *pro se* motion for partial summary judgment (Doc. 33); Plaintiff's *pro se* motion to seal and file medical documents and disability documentation (Doc. 36); Plaintiff's *pro se* motion for rescheduling all conference and discovery (Doc. 38); Plaintiff's *pro se* motion for exemption of pacer fees (Doc. 40); Plaintiff's *pro se* motion

for reasonable accommodation (Doc. 50); and Plaintiff's *pro se* motion for joinder of offences. (Doc. 53) are **DENIED**. The Court has granted Defendants' motion to dismiss and there is no basis for any such relief.

IT IS SO ORDERED.

DATED: July 13, 2023

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE

JUDGMENT IN A CIVIL CASE

Case No. 22-3301-CV-S-MDH

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ORDER

The petition for rehearing by the panel is denied.

All pending motions are denied.

No further filings will be accepted in this closed case.

Mandate shall issue forthwith.

October 13, 2023

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans