

App-i

APPENDIX

TABLE OF CONTENTS

Appendix A

Opinion [not precedential], United States Court
of Appeals for the Fifth Circuit, *Neil Paul Noble*
v. Texas Board of Pardons and Paroles; Texas De-
partment of Criminal Justice,
No. 25-50809 (May 5, 2026) App-1

Appendix B

Order [dismissal of complaint], United States
District Court for the Western District of Texas,
Neil Paul Noble v. Texas Board of Pardons and
Paroles; Texas Department of Criminal Justice,
No. 1:25-cv-01303-ADA (Sep. 17, 2025) App-5

App-1

Appendix A

[Filed: May 5, 2026]

**United States Court of Appeals
for the Fifth Circuit**

No. 25-50809

NEIL PAUL NOBLE,

Plaintiff—Appellant,

versus

TEXAS BOARD OF PARDONS AND PAROLES; TEXAS DE-
PARTMENT OF CRIMINAL JUSTICE,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:25-CV-1303

Before CLEMENT, SOUTHWICK, and OLDHAM, *Circuit
Judges.*

PER CURIAM:*

Neil Paul Noble was convicted in Texas state court of stalking under TEXAS PENAL CODE §42.072 and was sentenced to four years of probation. Noble later violated the terms of his probation, so the court revoked it and sentenced him to ten years of imprisonment. After Noble served a portion of this sentence, the Texas Board of Pardons and Paroles ("TBPP") notified

* This opinion is not designated for publication. See 5TH CIR. R. 47.5.

him that it would review whether to release him from prison and place him on mandatory supervision for the remainder of his sentence. Noble then submitted written materials to the TBPP.

The TBPP determined that Noble was ineligible for mandatory supervision. In a written notice, the TBPP stated that Noble's release would endanger the public and his accrued good conduct time was not an accurate reflection of his potential for rehabilitation. See Tex. Gov't Code Ann. §508.149(b).

Noble then filed a pro se complaint in federal court against the TBPP and the Texas Department of Criminal Justice ("TDCJ"). He brought claims under 42 U.S.C. § 1983, alleging that the TBPP and the TDCJ violated his due process rights by denying his release to mandatory supervision and failing to provide access to a computer with word-processing software, a printer, and a copier. The district court screened Noble's complaint pursuant to 28 U.S.C. §1915A and dismissed it without prejudice for lack of jurisdiction and failure to state a claim. Noble timely appealed. After submitting a merits brief, Noble moved to file several supplemental briefs. Those motions are GRANTED.

On appeal, Noble only challenges the dismissal of his claims against the TBPP. He expressly abandons his claims against the TDCJ.

We review de novo a district court's dismissal for failure to state a claim under §1915A(b)(1), applying the same standard as when we review a dismissal under Federal Rule of Civil Procedure 12(b)(6). *DeMarco v. Davis*, 914 F.3d 383, 386 (5th Cir. 2019). Dismissal is appropriate where a complaint does not "contain sufficient factual matter, accepted as true, to 'state a

claim to relief that is plausible on its face.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)).

Subject to certain exceptions, see Tex. Gov’t Code Ann. § 508.149, Texas’s mandatory supervision scheme requires the TBPP to release eligible inmates to mandatory supervision “when the actual calendar time the inmate has served plus any accrued good conduct time equals the term to which the inmate was sentenced,” *id.* §508.147(a). So, inmates have a constitutional expectancy of early release and a protected liberty interest that Texas may not deny without due process. See *Teague v. Quarterman*, 482 F.3d 769, 774–77 (5th Cir. 2007); *Boss v. Quarterman*, 552 F.3d 425, 427, 429 n.24 (5th Cir. 2008); cf. *Halley v. Lumpkin*, No. 23–10473, 2023 WL 4351242, at *1 (5th Cir. July 5, 2023) (concluding that due process concerns are not implicated where an inmate is ineligible for mandatory supervision because he was previously convicted of an enumerated crime in §508.149(a)). In this context, due process requires that the inmate be provided with advance notice, an opportunity to be heard, and a statement of reasons for the denial of release. See *Greenholtz v. Inmates of Neb. Penal & Corr. Complex*, 442 U.S. 1, 14–16 (1979); *Boss*, 552 F.3d at 428–30.

Noble’s complaint reflects that the TBPP satisfied these procedural requirements. Moreover, his allegations also fail to show that the TBPP acted in an arbitrary manner in the constitutional sense. See *Coleman v. Dretke*, 395 F.3d 216, 224 (5th Cir. 2004) (“While the core of substantive due process is protection from arbitrary government action, ‘only the most egregious official conduct’ is arbitrary in the

App-4

constitutional sense.” (quoting *Cnty. of Sacramento v. Lewis*, 523 U. S. 833, 846 (1998))). Thus, the district court did not err in dismissing Noble’s complaint for failure to state a claim. See *Iqbal*, 556 U. S. at 678. And the district court did not abuse its discretion in deciding that permitting Noble to amend his complaint would be futile. See *Legate v. Livingston*, 822 F. 3d 207, 211–12 (5th Cir. 2016).

We AFFIRM.

App-5

Appendix B

[Filed: Sep. 17, 2025]

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NEIL NOBLE #02473212	§	
	§	
v.	§	
	§	
TEXAS BOARD OF	§	A-25-CV01303-ADA
PARDONS AND PA-	§	
ROLES and TEXAS DE-	§	
PARTMENT OF CRIMI-	§	
NAL JUSTICE	§	

ORDER

Before the Court are Plaintiff Neil Noble's complaint and supporting briefs. Plaintiff, proceeding pro se, has paid the full filing fee for this case. For the reasons discussed below, the Court dismisses Plaintiff's complaint.

STATEMENT OF THE CASE

At the time he filed his complaint pursuant to 42 U.S.C. §1983, Plaintiff was confined in the Duncan Unit of the Texas Department of Criminal Justice - Correctional Institutions Division. Plaintiff was convicted of stalking in Dallas County, Texas. He was sentenced to ten years' imprisonment on May 3, 2021. Plaintiff was denied release on mandatory supervision in June 2025.

App-6

Plaintiff sues the Texas Board of Pardons and Paroles (the "Board"). He claims the Board denied him due process when it reviewed him for mandatory supervision in 2025. Specifically, he claims:

1. The Board arbitrarily and capriciously determined that Plaintiff's 2021 stalking conviction constituted a crime of violence and/or had a vulnerable victim and therefore determined that Plaintiff's release would endanger the public under TEX. GOV'T CODE § 508.149(b)(2).
2. Section 508.149(b)(2) does not provide sufficient criteria for the Board to use in determining whether an inmate's release would endanger the public and permits the Board to arbitrarily and capriciously deny an inmate's release to mandatory supervision.
3. The Board arbitrarily and capriciously considered Plaintiff's prior criminal convictions when determining that his release to mandatory supervision would endanger the public. He contends his prior convictions were for "non-aggravated" crimes and are too old to be indicative of whether his release would endanger the public.
4. The Board arbitrarily and capriciously considered Plaintiff's 2023 probation revocation on his current stalking charge. Plaintiff explains his probation was revoked because he cut off his ankle monitor. He contends the ankle monitor was likely an unconstitutional condition of probation and he was unable to

get adequate cardiovascular exercise with it in place.

5. The Board improperly considered Plaintiff's 1998 arrest for assault with a deadly weapon in California. According to Plaintiff, he pleaded guilty to a misdemeanor battery and explains he had gotten into a fight with his roommate and threw a pan of hot water on his roommate's leg because his roommate threw a glass of wine at his head.
6. The Board improperly considered Plaintiff's inability to find suitable employment. Plaintiff contends there is reason to believe that his chronic unemployment problems are linked to the promotion of Plaintiff's great uncle, Ulysses Grant, to General-In-Chief of the U.S. Armies in 1864.
7. The Board arbitrarily and capriciously considered Plaintiff's prior arrests for which the charges were subsequently dismissed. Plaintiff asserts the arrests were for misdemeanors and were too old to be indicative of whether Plaintiff's release would endanger the public.
8. The Board did not approve Plaintiff's post-release residence in Dallas, Texas and failed to make an appointment to inspect the property.

Plaintiff also sues the Texas Department of Criminal Justice ("TDCJ"). He claims TDCJ violated his due process rights by not providing clerical assistance to inmates in the form of word processing software, printers, and copy machines.

App-8

For relief, Plaintiff requests the Court to prohibit the Board from considering his 2021 stalking conviction as a crime of violence. He also requests the Court to define criteria for the Board to use when determining whether an inmate's release would endanger the public under section 508.149(b)(2), including whether a mental health evaluation should be required before finding an inmate's release would endanger public safety. He additionally requests the Court to prohibit the Board from considering the following when determining whether Plaintiff's release would endanger the public:

1. Plaintiff's three prior convictions;
2. Plaintiff's 2023 probation revocation;
3. Plaintiff's 1998 arrest in California;
4. Plaintiff's inability to find suitable employment; and
5. Plaintiff's three arrests for which the charges were subsequently dismissed.

Plaintiff also requests the Court to order the Board to permit parolees to live alone if the location is suitable, order the Board to schedule appointments for inside inspections of post-release residences, and determine that his residence in Dallas is a suitable post-release address for Plaintiff. Plaintiff requests the Court to order TDCJ to provide inmates with access to a computer with word processing software, a printer, and a copy machine. Finally, Plaintiff requests the Court to order the Board to reconsider him for mandatory supervision within 30 days, taking into consideration any newly prescribed procedures and prohibitions presumably established by this Court.

DISCUSSION AND ANALYSIS

A. Standard Under 28 U. S. C. §1915A

Although Plaintiff paid the full filing fee for this case, his claims must be screened pursuant to 28 U. S. C. §1915A. On review, the Court must dismiss the complaint, or any portion of the complaint, if the complaint is frivolous, malicious, or fails to state a claim upon which relief may be granted or seeks monetary relief from a defendant who is immune from such relief. *See Martin v. Scott*, 156 F. 3d 578 (5th Cir. 1998).

When reviewing a plaintiff's complaint, the court must construe plaintiff's allegations as liberally as possible. *Haines v. Kerner*, 404 U. S. 519 (1972). However, the plaintiff's pro se status does not offer him "an impenetrable shield, for one acting pro se has no license to harass others, clog the judicial machinery with meritless litigation and abuse already overloaded court dockets." *Ferguson v. MBank Houston, N.A.*, 808 F. 2d 358, 359 (5th Cir. 1986).

B. Eleventh Amendment Immunity

Plaintiff's claims against the Board and TDCJ are barred by Eleventh Amendment immunity. The Eleventh Amendment generally divests federal courts of jurisdiction to entertain suits directed against states. *Port Auth. Trans-Hudson v. Feeney*, 495 U.S. 299, 304 (1990). The Eleventh Amendment may not be evaded by suing state agencies or state employees in their official capacity because such an indirect pleading remains in essence a claim upon the state treasury. *Green v. State Bar of Texas*, 27 F. 3d 1083, 1087 (5th Cir. 1994). Ordinarily, the Court would allow Plaintiff

an opportunity to amend his complaint to name appropriate defendants. However, an amendment in this case would be futile.

C. Mandatory Supervision

"Mandatory supervision" is "the release of an eligible inmate so that the inmate may serve the remainder of the inmate's sentence not on parole but under the supervision of the pardons and paroles division." TEX. GOV'T. CODE §508.001(5). Whereas an inmate's release on parole is wholly discretionary, an inmate's release on mandatory supervision is required, subject to certain exceptions,¹ when the "actual calendar time the inmate has served plus any accrued good conduct time equals the term to which the inmate was sentenced." *Id.* at §508.147(a); *Jackson v. Johnson*, 475 F.3d 261, 263, n. 1 (5th Cir. 2007). As a matter of state law, good and work time credits apply only to eligibility for parole or mandatory supervision and do not otherwise have any effect on the length of sentence imposed on an inmate. *See Ex parte Hallmark*, 883 S.W.2d 672, 674 (Tex. Crim. App.1994); TEX. GOV'T. CODE ANN. §498.003(a).

Both the Fifth Circuit and the Texas courts have held Texas's post-September 1, 1996 mandatory supervision scheme (outlined above) does create a protected liberty interest. *Teague v. Quarterman*, 482 F.3d 769, 777 (5th Cir. 2007); *Ex parte Geiken*, 28 S.W.3d 553, 558 (Tex. Crim. App. 2000). Therefore,

¹ Section 508.149(b) provides that "[a]n inmate may not be released to mandatory supervision if a parole panel determines that: (1) the inmate's accrued good conduct time is not an accurate reflection of the inmate's potential for rehabilitation; and (2) the inmate's release would endanger the public."

Plaintiff has a protected liberty interest and is entitled to due process protection with respect to the decisions to deny him mandatory supervision. However, this simply means certain procedural due process protections must be afforded Plaintiff by the Board before it decides whether to release him on mandatory supervision. Procedural due process requires, essentially, that Plaintiff be given notice and a meaningful opportunity to be heard. *Geiken*, 28 S.W.3d at 560. Additionally, if release is denied, "the inmate must be informed in what respects he falls short of qualifying for early release." *Id.* (citing *Greenholtz v. Inmates of Nebraska Penal and Correctional Complex*, 442 U.S. 1, 16 (1979)).

Plaintiff has failed to show he was not provided with timely notice that he was to be considered for mandatory supervision release, that he was not given a meaningful opportunity to tender information to the Board in support of his release, or that the Board failed to inform him in what respects he fell short of qualifying for early release. Plaintiff's allegations indicate he has previously received the process to which he was due under the law with regard to the denial of mandatory supervision and there is no reason to think he will not be afforded those same protections in the future.

To the extent Plaintiff complains the Board's reasoning or the guidelines it follows are too vague or arbitrary, the Court of Criminal Appeals has considered this argument and rejected it. *Geiken*, 28 S.W.3d at 557. In *Geiken*, the applicant argued the statutory criteria directing the Board to evaluate the inmate's potential for rehabilitation and whether his release would endanger the public "are too vague to provide

any guidance to the Board in making its decision and ... this Court should, because of this vagueness, hold this portion of the statute unconstitutional." *Id.* The Court of Criminal Appeals rejected the argument, explaining the factors in question represent "valid concerns in making the release decision," and "are not so vague as to provide the Board with no guidance in their decision." *Id.* The *Geiken* court concluded, "the early release decision is necessarily subjective and cannot be limited to rigidly defined factors. In creating a parole or other early release system, 'the state may be specific or general in defining the conditions for release and the factors that should be considered by the parole authority.'" *Id.* (citing *Greenholtz*, 442 U. S. at 8). Therefore, Plaintiff's constitutional challenge is without merit, and he fails to state a federal claim upon which relief can be granted.

D. Office Equipment

Plaintiff asserts library resources are inadequate because word processing software, printers, and copy machines are not available. Plaintiff contends the lack of access to modern productivity equipment hinders an inmate's ability to submit professional quality court filings and parole packages. Plaintiff maintains handwriting or use of a typewriter are not adequate substitutes. However, Plaintiff does not claim he is unable to file handwritten pleadings in federal court or parole packages at the Board. He simply believes he would be more successful if his filings were typed.

Plaintiff fails to allege a valid constitutional right. It is beyond dispute that prison inmates do not have a free-standing, federally protected right to use office equipment to carry out their litigation. *See Beck v.*

Lynaugh, 842 F.2d 759, 762 (5th Cir.1988); *see also In re Maxy*, 674 F.3d 658, 661 (7th Cir.2012); *Taylor v. Coughlin*, 29 F.3d 39, 40 (2d Cir.1994) (acknowledging that there is “no constitutional right to a typewriter as an incident to the right of access to the courts”); *Stubblefield v. Henderson*, 475 F.2d 26, 26-27 (5th Cir.1973) (“no federally protected right to the use of typewriters”); *Lehn v. Hartwig*, 13 F. App’x 389, 392 (7th Cir. 2001) (holding, in a section 1983 action, “If prisoners have no constitutional right to a typewriter, they certainly do not have one to a computer”).

CONCLUSION

Plaintiff’s claims against the Board and TDCJ are barred by Eleventh Amendment immunity. Amending Plaintiff’s complaint to name the Board or TDCJ officials as defendants would be futile, as Plaintiff has failed to allege a valid constitutional violation.

It is **ORDERED** that Plaintiff’s Motion for Leave to File Supplemental Brief, filed on September 12, 2025, is **GRANTED**.

It is further **ORDERED** that Plaintiff’s complaint is **DISMISSED WITHOUT PREJUDICE** for want of jurisdiction and for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §1915A.

It is further **ORDERED** that the Clerk of Court shall forward a copy of the Court’s order and judgment to the keeper of the three-strikes list.

SIGNED on September 17, 2025.

/s/ Alan D Albright
ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE