

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2009 CA 1575

ALVIN HARVEY

VERSUS

ANNA RAWSON, ADMINISTRATIVE COORDINATOR IV

Judgment Rendered: MAR 26 2010

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On Appeal from the Nineteenth Judicial District Court
In and for the Parish of East Baton Rouge
State of Louisiana
Docket No. 569,494

Honorable William Morvant, Judge Presiding

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Alvin Harvey
Homer, Louisiana

Plaintiff/Appellant
In Proper Person

Susan Wall Griffin
Baton Rouge, Louisiana

Counsel for Defendant/Appellee
Louisiana Department of Public
Safety & Corrections

* * * * *

BEFORE: DOWNING, GAIDRY AND McCLENDON, JJ.

McCLENDON, J.

Plaintiff-appellant, Alvin Harvey, an inmate in the custody of the Louisiana Department of Public Safety and Corrections (DPSC), filed a writ of mandamus seeking to have DPSC ordered to produce copies of his medical records to him free of charge. In response, DPSC acknowledged that the plaintiff has a right to receive copies of his medical records, but indicated that it denied plaintiff's request because he failed to pay copying costs.

On April 24, 2009, the Commissioner issued a report and recommended that the district court dismiss plaintiff's writ of mandamus with prejudice because the plaintiff did not show that DPSC "failed to perform a ministerial duty to provide copies of the petitioner's records, at no charge to the petitioner." Following a *de novo* review, the trial court adopted the Commissioner's April 24, 2009 Report as its reasons in its June 3, 2009 Judgment and dismissed plaintiff's request for mandamus relief with prejudice. Plaintiff appeals the trial court's judgment.

We note that LSA-R.S. 44:32(C)(2) grants the custodian of the requested records the authority to charge a fee. The statute also provides that public records may be provided to indigent citizens for a reduced fee or no fee, but only if the custodian determines that the material is requested for a public purpose. However, plaintiff has made no showing that the records are being requested for a public purpose.

We conclude that the Commissioner's report, which was adopted by the trial court as its reasons, thoroughly discusses the factual and procedural background of this matter and provides an excellent analysis of the applicable law. After a review of the record, we likewise agree with the reasons outlined in the Commissioner's Report.

Accordingly, we affirm the trial court's judgment by summary opinion in accordance with Uniform Rules—Courts of Appeal, Rule 2-16.2A(4), (5), (6), and (7). All costs of this appeal are assessed to plaintiff-appellant, Alvin Harvey.

AFFIRMED.