

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2011 CA 1476

ANDREA HALL

VERSUS

**LOUISIANA DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS, ET AL.**

—
**On Appeal from the 19th Judicial District Court
Parish of East Baton Rouge, Louisiana
Docket No. 599,308, Section 26
Honorable Kay Bates, Judge Presiding**
—

**Andrea Hall
Angola, LA**

**Plaintiff-Appellant
In Proper Person**

**William L. Kline
Baton Rouge, LA**

**Attorney for
Defendant-Appellee
Louisiana Department of
Public Safety & Corrections**

BEFORE: CARTER, C.J., PARRO, AND HIGGINBOTHAM, JJ.

Judgment rendered March 23, 2012

AKH
TSK
TMA

PARRO, J.

Andrea Hall, an inmate in the custody of the Department of Public Safety and Corrections (DPSC), appeals a judgment of the Nineteenth Judicial District Court (19th JDC) that dismissed his petition for judicial review. Based on our review of the record, we affirm.

PROCEDURAL BACKGROUND

In accordance with the Corrections Administrative Remedy Procedure (CARP) established by LSA-R.S. 15:1171, *et seq.*, Hall filed a request for an administrative remedy based on his allegations that prison personnel at the Louisiana State Penitentiary had violated his rights. In particular, Hall alleged that prison personnel gave erroneous, stigmatizing, and confidential information to other inmates and allowed a "known enemy" inmate to enter his cell for the sole purpose of attacking him. Hall's complaint sought only monetary relief.

Hall's request for an administrative remedy was considered and denied at both the first step and second step. Pursuant to LSA-R.S. 15:1177(A), Hall filed a petition for judicial review in the 19th JDC, alleging he was aggrieved by the final decision of DPSC.

In accordance with the screening provisions of LSA-R.S. 15:1178, Hall's petition was assigned to a commissioner at the 19th JDC to be reviewed. The commissioner's screening report, which was signed on March 9, 2011, found that Hall's claim was in the nature of a delictual action against prison personnel and that his petition for judicial review was improperly filed. The commissioner further noted that delictual actions for injury or damages must be filed separately as original civil actions, citing LSA-R.S. 15:1177(C). The commissioner concluded her report by recommending that the petition for judicial review be dismissed without prejudice. Based on this recommendation, the 19th JDC judge dismissed the petition, signing a "screening judgment" on April 15, 2011.

Hall has appealed and raises only one assignment of error, as follows:

Whether the court below erred in dismissing the petitioner's appeal as improperly filed as an appeal under the CARP because it involves a claim for monetary relief based on alleged delictual actions.

DISCUSSION

Hall asserts that LSA-R.S. 15:1171(B) grants authority to the DPSC to adopt administrative remedy procedures for receiving, hearing, and disposing of any and all complaints and grievances by adult offenders against the state that arise while an offender is in the custody of DPSC. He also contends that such complaints and grievances may include those seeking monetary, injunctive, declaratory, and any other form of relief authorized by law and that these administrative remedy procedures shall provide the exclusive remedy available to the offender for complaints or grievances governed thereby, insofar as federal law allows. Hall believes that his claim for violation of his civil rights, for which he seeks monetary damages, must necessarily be included. Therefore, it is Hall's position that the 19th JDC has erred in dismissing his claim as improperly filed.

However, Hall has ignored the provisions of LSA-R.S. 15:1177(C) and LSA-R.S. 15:1184(F). Louisiana Revised Statute 15:1177(C) provides, "This Section shall not apply to delictual actions for injury or damages, however styled or captioned. Delictual actions for injury or damages shall be filed separately as original civil actions." See Pope v. State, 99-2559 (La. 6/29/01), 792 So. 2d 713. Furthermore, LSA-R.S. 15:1184(F) makes it clear that the exclusive venue for delictual actions for injuries or damages is the parish where the prison is situated to which the prisoner was assigned when the cause of action arose. It appears that at the time this particular cause of action arose, Hall was confined in the prison situated in West Feliciana Parish. Therefore, the 19th JDC was not the court of proper venue, but had authority to transfer the case to the court with proper venue or dismiss the suit, without prejudice. As the decision to transfer or dismiss is at the discretion of the court, there was no error in the court's judgment to dismiss, without prejudice.

CONCLUSION

For the stated reasons, we affirm the judgment of April 15, 2011. All costs of this appeal are assessed to Andrea Hall.

AFFIRMED.