

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2010 CA 2301

AUGUST WILLIAMS

VERSUS

DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

Judgment Rendered: June 10, 2011

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On Appeal from the  
19th Judicial District Court,  
In and for the Parish of East Baton Rouge,  
State of Louisiana  
Trial Court No. 589,308

Honorable R. Michael Caldwell, Judge Presiding

\* \* \* \* \*

August Williams  
Angola, LA

Plaintiff-Appellant,  
In Proper Person

William Kline  
Baton Rouge, LA

Attorney for Defendants-Appellees,  
Department of Public Safety  
and Corrections, et al.

\* \* \* \* \*

BEFORE: KUHN, PETTIGREW, AND HIGGINBOTHAM, JJ.

TWH  
JEP  
J.E.K.  
7/18/11

**HIGGINBOTHAM, J.**

August Williams is an inmate in the custody of the Louisiana Department of Public Safety and Corrections. He appeals from an August 27, 2010 judgment of the Nineteenth Judicial District Court dismissing his petition for judicial review for failure to state a cause of action and assessing him a strike.

Mr. Williams was accused and found guilty by the Disciplinary Board, of violating Rule #30W for general prohibited behavior.<sup>1</sup> He was sentenced to a change of custody status from medium to maximum security (extended lockdown). This court has previously determined that a change of custody status is not atypical nor a significant hardship in relation to the ordinary incidents of prison life, and does not prejudice an inmate's substantial rights. See Parker v. LeBlanc, 02-0399 (La. App. 1st Cir. 2/14/03), 845 So.2d 445, 446. After a thorough review of the record, we agree with the reasoning of the district court and the commissioner concluding that Mr. Williams failed to state a cause of action for judicial review in this matter. Since the penalty imposed in this case does not rise to the level of a substantial rights violation, modification or reversal of the disciplinary action is not warranted. See LSA-R.S. 15:1177A(9). Furthermore, given Mr. Williams's failure to state a cause of action, we find no error in the district court's imposition of a strike as recommended by the commissioner. See LSA-R.S. 15:1187.

Accordingly, we affirm the screening judgment of the district court, dismissing Mr. Williams's petition for judicial review with prejudice and assessing a strike against him. We issue this summary disposition in accordance with Uniform Rules – Courts of Appeal, Rule 2-16.2A(2), (4), (5), and (6). Costs of this appeal are assessed to August Williams.

**AFFIRMED.**

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<sup>1</sup> The prohibited behavior involved evidence of two knives as revealed by reliable confidential informants.