

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

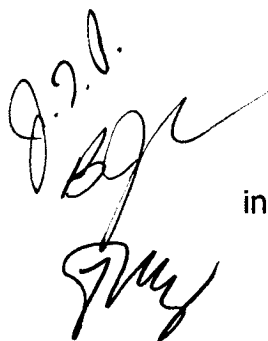
NO. 2009 CA 0243

DANIEL ROBINSON

VERSUS

JAMES M. LEBLANC, SECRETARY, DEPARTMENT OF PUBLIC SAFETY
& CORRECTIONS; N. BURL CAIN, WARDEN, LOUISIANA STATE
PENITENTIARY AND TRISH FOSTER, DIRECTOR OF LEGAL PROGRAMS

Judgment rendered September 11, 2009.



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Appealed from the
19th Judicial District Court
in and for the Parish of East Baton Rouge, Louisiana
Trial Court No. 564,929
Honorable William A. Morvant, Judge

* * * * *

DANIEL ROBINSON
ANGOLA, LA

TERRI L. CANNON
BATON ROUGE, LA

IN PROPER PERSON
PLAINTIFF-APPELLANT

ATTORNEY FOR
DEFENDANT-APPELLEE
LOUISIANA DEPARTMENT OF
PUBLIC SAFETY &
CORRECTIONS

* * * * *

BEFORE: CARTER, C.J., GUIDRY, AND PETTIGREW, JJ.

PETTIGREW, J.

In this case, petitioner, an inmate in the custody of the Department of Public Safety and Corrections ("DPSC"), filed a request for relief pursuant to La. R.S. 15:1177, seeking judicial review of the final agency decision rendered under Disciplinary Board Appeal No. LSP-2007-0716. In said case, petitioner was found guilty of violating Rule 22 (Theft) and Rule 30E (General Prohibited Behaviors--Drug Trafficking) of the Prison Disciplinary Rules. Petitioner received a sentence of custody change to maximum (working cell block) and loss of the ability to earn incentive wages for 26 weeks. Petitioner appealed to the Warden, who expunged the Rule 22 conviction from petitioner's record, but upheld the Rule 30E conviction. The Warden further deemed that the sanctions imposed were appropriate based on the seriousness of the offense. Thereafter, DPSC filed an exception raising the objection of lack of subject matter jurisdiction. Noting that the sanctions imposed did not include a loss of good time, DPSC argued petitioner had not suffered a violation of a substantial right, and, thus, the trial court did not have jurisdiction over the matter.

Following a *de novo* review of the record herein, including the traversal by petitioner and the Commissioner's Report, the trial court rendered judgment dismissing petitioner's suit for failure to raise a "substantial right" violation. This appeal by petitioner followed. After a thorough review of the record and relevant jurisprudence, we find no error of law or abuse of discretion by the trial court. Accordingly, we affirm the trial court's judgment by summary disposition in accordance with Uniform Rules--Courts of Appeal, Rule 2-16.2A(5), (6), (7), and (8). All costs associated with this appeal are assessed against petitioner, Daniel Robinson.

AFFIRMED.