

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2008 CA 0516

DARRYL PARKER

VERSUS

**FRAN FOSTER, RICHARD STALDER,
LOUISIANA DEPARTMENT OF CORRECTIONS**

Judgment Rendered: SEP 23 2008

**Appealed from the
19th Judicial District Court
In and for the Parish of East Baton Rouge, Louisiana
Case No. 497,391**

The Honorable Timothy E. Kelley, Judge Presiding

**Darryl Parker
Lake Providence, Louisiana**

**Plaintiff/Appellant
In Proper Person**

**Terri Lynn Cannon
L. Bruce Dodd
Baton Rouge, Louisiana**

**Counsel for Defendant/Appellee
Richard Stalder**

BEFORE: KUHN, GUIDRY, AND GAIDRY, JJ.

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GAIDRY, J.

SUMMARY DISPOSITION

The plaintiff-appellant, Darryl Parker, an inmate in the custody of the Louisiana Department of Public Safety and Corrections (the Department), filed a petition for judicial review of a final agency decision under the Corrections Administrative Remedy Procedure Act, La. R.S. 15:1171, *et seq.* The trial court's Commissioner issued a comprehensive report detailing the administrative history of the request for administrative remedies, its underlying facts, its disposition, the applicable legal issues, and his findings and recommendation that the final agency be affirmed and Mr. Parker's petition be dismissed with prejudice. Following its *de novo* review of the record, the trial court adopted the Commissioner's report as its reasons for judgment. Mr. Parker appeals the judgment of the trial court adopting the Commissioner's report and dismissing his petition with prejudice.

Mr. Parker contends that he is entitled to diminution of sentence or "good time" under La. R.S. 15:571.3, on the grounds that the Department denied his eligibility based upon his incorrect classification as a fourth felony offender. The evidence shows that Mr. Parker was in fact re-sentenced as an habitual offender in 2001 following his initial sentencing as such in 1999. Thus, he is ineligible for diminution of sentence, and is not entitled to relief. Finding the Commissioner's report and the trial court's judgment adequately explain our decision, we affirm the judgment.

We accordingly affirm the judgment of the trial court through this summary opinion, in accordance with Rules 2-16.2(A)(2), (4), (5), (6), and (8) of the Uniform Rules of the Louisiana Courts of Appeal. All costs of this appeal are assessed to the plaintiff, Darryl Parker.

AFFIRMED.