

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2008 CA 1978

DAVID D. CLIFFORD

VERSUS

RICHARD STALDER, SECRETARY, LOUISIANA DEPARTMENT OF
PUBLIC SAFETY & CORRECTIONS

Judgment rendered March 27, 2009.

Appealed from the
19th Judicial District Court
in and for the Parish of East Baton Rouge, Louisiana
Trial Court No. 545,952
Honorable William A. Morvant, Judge

DAVID D. CLIFFORD
ANGOLA, LA

DEBRA A. RUTLEDGE
BATON ROUGE, LA

IN PROPER PERSON
PLAINTIFF-APPELLANT

ATTORNEY FOR
DEFENDANT-APPELLEE
JAMES LEBLANC, SECRETARY
DEPARTMENT OF PUBLIC
SAFETY & CORRECTIONS

BEFORE: PETTIGREW, McDONALD, AND HUGHES, JJ.

McDonald, J. concurs.

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. PCC-2006-104. In said case, petitioner was convicted of an aggravated work offense and penalized with a loss of 90 days good time and isolation. After petitioner's petition for review was filed, DPSC vacated the penalty and restored the 90 days good time that petitioner had forfeited. Thereafter, DPSC filed an exception raising the objection of lack of subject matter jurisdiction, alleging that because the disciplinary penalty no longer represented an atypical deprivation of any substantial rights of petitioner, 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 maintained the lack of subject matter jurisdiction exception, dismissing petitioner's suit with prejudice. 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 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, David D. Clifford.

AFFIRMED.