

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2010 CA 1572

DION GUSMAN

VERSUS

JAMES LEBLANC, ROBERT TANNER,
LINDA RAMSEY, BILLY ANDERSON, DOUGLAS WHEAT,
FRANK CLELAND, TIM CRAWFORD, TONI OSWALD,
DANNY HANEMANN & LINDA ARD

Judgment Rendered: March 25, 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. 590,096

The Honorable Kay Bates, Judge Presiding

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Dion Gusman
Angie, Louisiana

Plaintiff/Appellant,
In Proper Person

William Kline
Baton Rouge, Louisiana

Attorney for Defendant/Appellee,
Louisiana Department of Corrections

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BEFORE: CARTER, C.J., GAIDRY AND WELCH, JJ.

CARTER, C. J.

Dion Gusman, an inmate in the custody of the Department of Public Safety and Corrections, appeals a judgment of the trial court dismissing his petition for judicial review for failure to state a cause of action and assessing him a strike.

According to Gusman's petition for judicial review of an administrative remedy action, he was found guilty by three disciplinary boards of rule violations and sanctioned to a custody change from medium to maximum security. This court has previously determined that a penalty of a change of custody status is not unusual or 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. 1 Cir. 2/14/03), 845 So. 2d 445, 446. 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* La. Rev. Stat. Ann. § 15:1177A(9).

Considering the foregoing, we affirm the judgment of the trial court in accordance with Uniform Rules - Courts of Appeal, Rule 2-16.2A(2), (4), (5), (6). Costs of this appeal are assessed to Dion Gusman.

AFFIRMED.