

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2011 CA 1521

DUONG CAO

VERSUS

JAMES LEBLANC, SECRETARY, LOUISIANA DEPARTMENT
OF PUBLIC SAFETY AND CORRECTIONS

Judgment Rendered: March 23, 2012

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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. 583,820

Honorable Wilson Fields, Judge Presiding

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Debra A. Rutledge
Baton Rouge, LA
Corrections

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Louisiana Department of Public Safety and

Duong Cao
Zachary, LA

Plaintiff-Appellant,
In Proper Person

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BEFORE: CARTER, C.J., PARRO, AND HIGGINBOTHAM, JJ.

Parro, J., concurs in the result.

HIGGINBOTHAM, J.

Duong Cao, an inmate in the custody of the Louisiana Department of Public Safety and Corrections (DPSC), seeks review of a judgment rendered in the district court, affirming the final decision of DPSC and dismissing Cao's petition for judicial review, with prejudice. We affirm the district court judgment.

BACKGROUND

Cao is serving a thirty-year sentence for his conviction of attempted first degree murder. Cao applied for educational good time credits due to his participation in a number of educational and rehabilitation programs, which was denied. Thereafter, Cao sought review of this decision under the Corrections Administrative Remedy Procedure (ARP), No. RCC-2009-421, and the denial of educational good time was affirmed by the secretary of DPSC. Cao then filed a petition for judicial review in the Nineteenth Judicial District Court (19th JDC), seeking reversal of the final agency decision rendered by DPSC. The petition was referred to a commissioner of the 19th JDC.

After a *de novo* review of the entire record, the district court adopted the reasons outlined in the "Commissioner's Recommendation," which found that the DPSC was correct in denying educational good time to Cao pursuant to Departmental Regulation No. B-04-003¹ and Rayburn Correctional Center Directive No. 5.2.4(N). The district court's judgment dismissed Cao's petition, and Cao appealed to this court seeking review of the judgment.

DISCUSSION

The commissioner's report more than adequately addresses all of Cao's arguments and thoroughly explains the decision ultimately made by the district court in

¹ Departmental Regulation No. B-04-003 was amended in November of 2010 such that prisoners earning good time pursuant to Act 1099 are now eligible to earn CTRP credits. However, Cao is ineligible under the new regulation because he petitioned for CTRP credit in 2009, prior to the amendment.

its judgment. Accordingly, we affirm the judgment and issue this summary disposition in accordance with Uniform Rules of Louisiana Courts of Appeal, Rule 2-16.2 (A)(2), (4), (5), (6), (7) and (8). All costs of this appeal are assessed to Duong Cao.

AFFIRMED.