

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2008 CA 0463

EARNEST WHITE

VERSUS

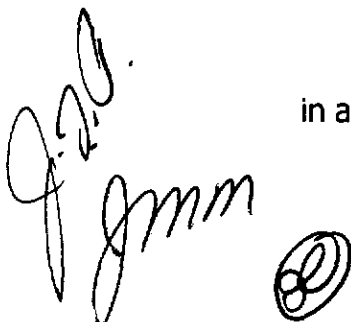
RICHARD STALDER, SECRETARY, LOUISIANA  
DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS

Judgment rendered SEP 26 2008

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Appealed from the  
19th Judicial District Court  
in and for the Parish of East Baton Rouge, Louisiana  
Trial Court No. 550,030  
Honorable Timothy E. Kelley, Judge

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EARNEST WHITE  
COTTONPORT, LA

JONATHAN R. VINING  
MELINDA L. LONG  
BATON ROUGE, LA

PLAINTIFF-APPELLANT  
IN PROPER PERSON

ATTORNEYS FOR  
DEFENDANT-APPELLEE  
RICHARD STALDER

\*\*\*\*\*

**BEFORE: PETTIGREW, McDONALD, AND HUGHES, JJ.**

**PETTIGREW, J.**

In this case, petitioner, an inmate in the custody of the Department of Public Safety and Corrections ("DPSC"), sought review of Administrative Remedy Procedure No. AVC-2006-258, concerning the loss of unearned or prospective good time as a penalty in disciplinary matters. Petitioner sought the restoration of any good time taken in excess of the amount earned. According to the record, petitioner's initial request for administrative relief was rejected at the agency level based on a finding by DPSC that petitioner was attempting to raise a complaint regarding a disciplinary penalty in the administrative remedy process, when in fact such relief should be sought in the disciplinary appeal process.

Following a *de novo* review of the record herein, including the Commissioner's Report, the trial court maintained the decision by DPSC, dismissing petitioner's suit with prejudice. This appeal 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, Earnest White.

**AFFIRMED.**