

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2009 CA 1246

GLEN BURTON

VERSUS

**BOARD OF PAROLE, STATE OF LOUISIANA; JAMES LEBLANC,
SECRETARY OF CORRECTIONS; BURL CAIN, WARDEN, LA STATE
PENITENTIARY; CAPTAIN TARA BONNETTE – DEPARTMENTS
INTERMEDIATE**

Judgment rendered: FEB 12 2010

**On Appeal from the 19th Judicial District Court
Parish of East Baton Rouge, State of Louisiana
Suit Number: 569,815; Division: O (8)
The Honorable Wilson E. Fields, Judge Presiding**

**In Proper Person
Angola, LA**

**Plaintiff/Appellant
Glen Burton**

**Terri L. Cannon
Baton Rouge, LA**

**Counsel for Defendant/Appellee
James Leblanc, Secretary,
Department of Corrections**

BEFORE: DOWNING, GAIDRY AND McCLENDON, JJ.

PMC McCleendon, J. concurs.

DOWNING, J.

Plaintiff, Glen Burton, an inmate in the custody of the Department of Public Safety & Corrections, seeks review of the district court judgment affirming the Department's dismissal of his petition. Burton's pleading entitled "Petition for Judicial Review" sought reversal of the Louisiana Parole Board's decision to deny him parole on the grounds that the Parole Board was not legally constituted because it had not been confirmed by the Senate. Burton also sought to have the Department order the Parole Board to give him another hearing to obtain early release. The claims against the Department were dismissed with prejudice, and the claims against the Parole Board were dismissed without prejudice.

In **Sinclair v. Stalder**, 03-1568, p. 1 (La.App. 1 Cir. 10/17/03) 867 So.2d 743, 744, this court held that under La. R.S. 15:574.11A there is no appeal of the decisions of the Parole Board unless the procedural due process protections specifically afforded under the hearing provisions of La. R.S. 15:574.9 are violated. Pleadings challenging actions of the Parole Board other than failure to act in accordance with La. R.S. 15:574.9 should be dismissed by the district court. **Id.** La. R.S. 15:574.9 deals with revocations, not denials of release on parole. **Id.** Therefore, there is no statutory basis for Burton to seek review of the Parole Board's decision denying him early release on parole.

The parole statutes do not create an expectancy of release or liberty interest. **Sinclair**, 03-1568 at p. 2, 867 So.2d at 744. The parole board has full discretion when passing on applications for early release. **Id.** Even if an inmate is fully rehabilitated, the Louisiana parole scheme does not require that he be paroled. **Id.** The procedures used by the Parole Board in deciding whether an inmate should be released early are beyond the scope of this court's review. **Id.**

The **Sinclair** analysis and the Commissioner's March 26, 2009, recommendation, adopted in the district court judgment, fully explains the

decision. After a thorough review of the record and relevant jurisprudence, we find no error of law by the trial court. Accordingly, we affirm the district court judgment by this summary disposition in accordance with La. U.R.C.A. Rule 2-16.2A (2), (6) and (7). Appeal costs are assessed against petitioner-appellant, Glen Burton.

AFFIRMED