

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2011 CA 0189

GLEN BURTON

VERSUS

LOUISIANA STATE PAROLE BOARD, ET AL.

Judgment Rendered: September 14, 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. 579,653

The Honorable Janice Clark, Judge Presiding

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Glen Burton
Angola, La.

Petitioner/Appellant,
In Proper Person

James D. "Buddy" Caldwell
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Louisiana State Parole Board

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

[Handwritten signatures and initials: a large signature at the top, 'RHO' in the middle, and 'TMH' at the bottom.]

CARTER, C.J.

Petitioner/Appellant, Glen Burton, an inmate in the custody of the Louisiana Department of Public Safety and Corrections, appeals a district court judgment dismissing, with prejudice, his request for *habeas* relief and motion for summary judgment, alleging his continued incarceration is unlawful because members of the Parole Board had not been confirmed by the Senate at the time of his parole hearing.

As set forth in the commissioner's recommendation, the governor's Parole Board appointees are allowed to act prior to Senate confirmation. Burton is correct that appointees to the Parole Board must be submitted to the Senate for confirmation. La. Rev. Stat. Ann. § 15:574.2(A)(1). However, the confirmation may take place any time prior to the end of the legislative session. La. Const. art. IV, § 5(H)(2). The record in the instant case indicates that the appointments at issue were confirmed prior to the end of the legislative session.

For the reasons set forth herein, we affirm the district court's judgment by summary opinion in accordance with Uniform Rules – Courts of Appeal, Rule 2-16.2A(4) and (5). Costs of this appeal are assessed to the petitioner/appellant, Glen Burton.

AFFIRMED.