

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2011 CA 1795

HAROLD JOE BLACK

VERSUS

TIM WILKINSON, WARDEN, WINN CORRECTIONAL  
CENTER, MONA HEYSE, ARP OFFICER, ELIZABETH ANN  
MAXEY, DELLISA DUNCANE, MR. JONES, CAPTAIN  
RAULS, NICOLE SMITH, C/O HALE, SHERIFF MAXWELL,  
CHIEF MOORE AND WARDEN BUTLER

Judgment Rendered: May 3, 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. 537,461

The Honorable William Morvant, Judge Presiding

\* \* \* \* \*

Harold Joe Black  
Homer, La.

Petitioner/Appellant  
In Proper Person

Ronald E. Corkern, Jr.  
Natchitoches, La.

Attorney for Defendants/Appellees,  
Tim Wilkinson, et al.

\* \* \* \* \*

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

*[Handwritten signatures: RHP, TMH]*

**CARTER, C.J.**

Petitioner/Appellant, Harold Joe Black, an inmate in the custody of the Louisiana Department of Public Safety and Corrections, filed a petition for judicial review of an administrative remedy on October 25, 2005. Defendants filed an answer, memorandum, and affidavit on December 8, 2005. Because no other actions were taken in the prosecution or defense of the case for over three years after the answer was filed, Defendants filed a motion to dismiss on grounds of abandonment on September 28, 2010. Following a *de novo* review, the district court adopted the commissioner's April 11, 2011, report as its reasons for granting the motion to dismiss and dismissed Petitioner's suit without prejudice. Petitioner now appeals.

As set forth in the commissioner's recommendation, no pleadings have been filed by either party since Defendants' answer was filed on December 8, 2005, and Petitioner does not contend he took any action or filed any pleadings that would prevent the court from granting Defendants' motion to dismiss on grounds of abandonment. After a review of the record, we agree with the commissioner's report and conclude Petitioner's suit has been abandoned. *See* La. Code Civ. Proc. Ann. art. 561A.

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), (5), and (8). Costs of this appeal are assessed to the Petitioner/Appellant, Harold Joe Black.

**AFFIRMED.**