

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2011 CA 2259

JASON CHAVANEL

VERSUS

**LOUISIANA DEPARTMENT OF PUBLIC
SAFETY & CORRECTIONS**

Judgment Rendered: JUN - 8 2012

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On Appeal from the Nineteenth Judicial District Court
In and for the Parish of East Baton Rouge
State of Louisiana
Docket No. 602,608

Honorable Timothy Kelley, Judge Presiding

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Jason Chavanel
St. Gabriel, Louisiana

Plaintiff/Appellant
In Proper Person

William Kline
Baton Rouge, Louisiana

Counsel for Defendant/Appellee
Louisiana Department of
Corrections

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BEFORE: PETTIGREW, McCLENDON, AND WELCH, JJ.

QJ Pettigrew, J. concurs

McCLENDON, J.

Jason Chavanel, an inmate in the custody of the Louisiana Department of Public Safety and Corrections (the Department), was convicted of violating Disciplinary Rule #30C (general prohibited behavior) and was sentenced to a custody change and a temporary loss of canteen privileges. After exhausting his review before the Department, Chavanel filed a petition for judicial review in the Nineteenth Judicial District Court. In a screening report submitted by the commissioner for the district court, it was recommended that the court raise, on its own motion, and grant an exception of no cause of action, dismissing Chavanel's suit with prejudice, without an opportunity to amend and at his cost. The commissioner also recommended that Chavanel be assessed a strike pursuant to LSA-R.S. 15:1187 for failing to state a cause of action or raise a cognizable claim. Thereafter, the district court issued a screening judgment in conformity with the recommendation of the commissioner.

After a thorough review of the record, we find no error in the analysis or conclusions of the district court. As recognized by the commissioner, LSA-R.S. 15:1177A(9) authorizes the district court to intervene in the decision of the Department only if Chavanel's "substantial rights" had been violated, and a custody classification or temporary restriction of canteen privileges is not an atypical deprivation of a substantial right. Therefore, modification or reversal of the disciplinary action was not warranted under the law.

Accordingly, we affirm the screening judgment of the district court and issue this summary disposition in accordance with Uniform Rules – Courts of Appeal, Rule 2-16.2A (2) and (4-8). Costs of this appeal are assessed to Jason Chavanel.

AFFIRMED.