

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2006 CA 1041

LOUIS STEMLEY

VERSUS

**JIM ROGERS, WARDEN, PHELPS CORRECTIONAL CENTER
AND RICHARD STALDER, SECRETARY,
DEPARTMENT OF CORRECTIONS**

Judgment Rendered: March 23, 2007

**Appealed from the
19th Judicial District Court
In and for the Parish of East Baton Rouge, Louisiana
Case No. 520,086**

The Honorable Kay Bates, Judge Presiding

**Louis Stemley
Kinder, Louisiana**

**Plaintiff/Appellant
In Proper Person**

**Debra A. Rutledge
Baton Rouge, Louisiana**

**Counsel for Defendant/Appellee
Richard Stalder**

BEFORE: KUHN, GAIDRY, AND WELCH, JJ.

GAIDRY, J.

SUMMARY DISPOSITION

The plaintiff-appellant, Louis Stemley, an inmate formerly in the custody of the Louisiana Department of Public Safety and Corrections (the Department),¹ filed a petition for judicial review of a final agency decision under the Corrections Administrative Remedy Procedure Act, La. R.S. 15:1171, *et seq.* Mr. Stemley's complaints that are properly before us relate to the Department's regulations and Phelps Correctional Center's posted policies (1) requiring inmates to purchase any discretionary clothing from the prison canteen; and (2) requiring the debiting of his personal account for return postage for unauthorized clothing not purchased from the prison canteen. He appeals the judgment of the trial court affirming the Department's decision and dismissing his petition.

The trial court's Commissioner issued a comprehensive report detailing the administrative history of the request for administrative remedies, its underlying facts, its disposition, the applicable legal issues, and her findings and recommendation.² Following its *de novo* review of the record, the trial court adopted the Commissioner's report as its reasons for judgment. After reviewing the record, we conclude that Mr. Stemley is not entitled to relief under La. R.S. 15:1177(A)(9). Finding the Commissioner's

¹ The record shows that Mr. Stemley is now an inmate at a private correctional institution, Allen Correctional Center in Kinder, Louisiana. Although this circumstance might render the issues asserted herein moot, as observed by the trial court's Commissioner, we will accord Mr. Stemley the benefit of the doubt as to this matter's justiciability.

² The duties of the Commissioners of the Nineteenth Judicial District Court include hearing and recommending the disposition of criminal and civil proceedings arising out of the incarceration of state prisoners. La. R.S. 13:711 and 13:713(A). The Commissioner's written findings and recommendations are submitted to a district court judge, who may accept, reject, or modify them. La. R.S. 13:713(C)(5).

report and the trial court's judgment adequately explain our decision, we affirm the judgment.

DECREE

We accordingly affirm the judgment of the trial court through this summary opinion, in accordance with Rules 2-16.2(A)(5), (6), (7), and (8) of the Uniform Rules of the Louisiana Courts of Appeal. All costs of this appeal are assessed to the plaintiff, Louis Stemley.

AFFIRMED.