

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2010 CA 0985

MICHAEL EDWARD BANKS

VERSUS

VENETIA MICHAEL, WARDEN,
DAVID WADE CORRECTIONAL CENTER

Judgment Rendered: December 22, 2010.

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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. 559,939

The Honorable Kay Bates, Judge Presiding

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Michael Edward Banks
Homer, La.

Plaintiff-Appellant,
in Proper Person

Susan Wall Griffin
Baton Rouge, La.

Attorney for Defendant-Appellee,
James M. LeBlanc, Secretary for
State of Louisiana Department of
Safety and Corrections

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BEFORE: CARTER, C.J., GAIDRY AND WELCH, JJ.

CARTER, C. J.

Michael Banks, an inmate in the custody of the Louisiana Department of Public Safety and Corrections, filed a petition for judicial review of a final agency decision rendered under the Corrections Administrative Remedy Procedure Act, La. R.S. 15:1171-1179. Banks complained that the Department failed to award credit for time served on the second sentence of his consecutive sentences. Following *de novo* review, the district court adopted the Commissioner's recommendation, which affirmed the Department's decision to deny the request for overlapping jail credits and dismissed the appeal. Banks appeals.

We find that the Commissioner's September 25, 2009, report, adopted by the district court in its October 16, 2009, judgment, thoroughly discusses the factual and procedural background of this case and provides an excellent analysis of the applicable law and the sentencing credit to which Banks is entitled.

Finding no error, we affirm the district court's judgment by summary disposition in accordance with Uniform Rules – Courts of Appeal, Rule 2-16.2A(5). All costs of this appeal are assessed against the plaintiff/appellant, Michael Banks.

AFFIRMED.