

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2009 CA 1601

NOLAN JARVIS

VERSUS

**JAMES LEBLANC, SECRETARY, LOUISIANA DEPARTMENT PUBLIC
SAFETY AND CORRECTIONS, BRENDA ACKLIN, RECORDS
CUSTODIAN, DAVID WADE CORRECTIONAL CENTER**

Judgment rendered: MAR 26 2010

**On Appeal from the Nineteenth Judicial District Court
Parish of East Baton Rouge, State of Louisiana
Suit Number: 564,717; Division: 27
The Honorable Todd Hernandez, Judge Presiding**

**In Proper Person
Homer, LA**

**Plaintiff/Appellant
Nolan Jarvis**

**Susan Wall Griffin
Baton Rouge, LA**

**Counsel for Defendant/Appellee
Secretary, Louisiana Department of
Public Safety and Corrections**

BEFORE: DOWNING, GAIDRY AND MCCLENDON, JJ.

DOWNING, J.

Petitioner/appellant, Nolan Jarvis, is an inmate in the custody of the Department of Public Safety and Corrections (DPSC), serving his sentence at the David Wade Correctional Center in Homer, Louisiana. Jarvis filed this lawsuit when he was denied good time eligibility based upon his post-1977 habitual offender adjudication. The district court agreed with the Commissioner's recommendation that under La. R.S. 15:571.3 (C), Jarvis was prohibited from eligibility for diminution of sentence and dismissed his suit with prejudice. Jarvis seeks review of the district court judgment.

The Commissioner's May 6, 2009, recommendation, adopted in the district court judgment, fully explains the decision. After a thorough review of the record, we find no error in the district court judgment. Therefore, we affirm the district court's judgment in accordance with Uniform Rules - - Courts of Appeal, Rule 2-16.2A (4), (5), and (10). All costs associated with this appeal are assessed against Nolan Jarvis, the petitioner/appellant.

AFFIRMED