

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

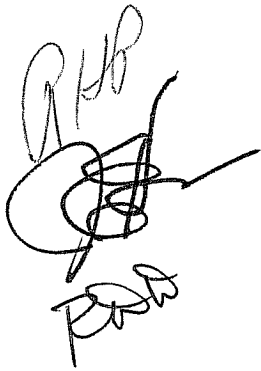
FIRST CIRCUIT

2007 CA 0003

JOHN E. SPELLMAN

VERSUS

**RICHARD STALDER, SERGEANT TATE,
LOUISIANA DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONS, AND INSURANCE COMPANY**



**On Appeal from the 19th Judicial District Court
Parish of East Baton Rouge, Louisiana
Docket No. 544,130, Division M, Section 26
Honorable Kay Bates, Judge Presiding**

**John E. Spellman
Kinder, LA**

**Plaintiff-Appellant
In Proper Person**

**William L. Kline
Baton Rouge, LA**

**Attorney for Defendants
Richard Stalder, Sergeant Tate, and
Louisiana Department of Public
Safety and Corrections**

BEFORE: PARRO, KUHN, AND DOWNING, JJ.

Judgment rendered November 2, 2007

PARRO, J.

John E. Spellman, an inmate in the custody of the Department of Public Safety and Corrections, appeals a judgment dismissing his tort suit for personal injury suffered in a motor vehicle accident while he was being transported on or about August 30, 2005, from one facility to another. The sole issue on appeal is whether venue for Spellman's tort claims is proper in the Nineteenth Judicial District Court, Parish of East Baton Rouge, based on LSA-R.S. 15:1184(F).

Spellman correctly notes that all suits filed against the state of Louisiana or any state agency may be instituted before the district court of the judicial district in which the state capitol is located or in the district court having jurisdiction in the parish in which the cause of action arises. See LSA-R.S. 13:5104(A). However, venue for delictual actions by prisoners is specifically governed by LSA-R.S. 15:1184(F), which provides:

The exclusive venue for delictual actions for injury or damages shall be the parish where the prison is situated to which the prisoner was assigned when the cause of action arose. Upon consent of all parties, the court may transfer the suit to a parish in which venue would otherwise be proper.

After a thorough review of the record, relevant statutory law, and relevant jurisprudence, we conclude that the commissioner's screening report, which was adopted by the district court, adequately explained the decision reached. Furthermore, we find that the district court's decision is legally correct.¹ Therefore, we affirm the district court's judgment in accordance with Uniform Court of Appeal Rule 2-16.2(A)(2), (5), and (6). All costs associated with this appeal are assessed against John E. Spellman.

AFFIRMED.

¹ Being unable to determine from the face of the pleadings the court of proper venue, we conclude the district court acted properly in dismissing Spellman's suit. See LSA-C.C.P. art. 121.