

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2009 CA 2084

JOSEPH WATSON

VERSUS

TIM WILKINSON, WARDEN, WINN CORRECTIONAL CENTER AND JAMES
LEBLANC, SECRETARY DEPARTMENT OF CORRECTIONS

Judgment Rendered: May 7, 2010

Appealed from the
Nineteenth Judicial District Court
In and for the Parish of East Baton Rouge
State of Louisiana
Suit Number 575,511

Honorable Timothy E. Kelley, Presiding

Joseph Watson
Homer, LA

Plaintiff/Appellant
Pro Se

Jonathan R. Vining
Baton Rouge, LA

Defendant/Appellee
James LeBlanc

BEFORE: CARTER, C.J., GUIDRY, AND PETTIGREW, JJ.

Handwritten signatures of Joseph Watson, Jonathan R. Vining, and Timothy E. Kelley.

GUIDRY, J.

Plaintiff, Joseph Watson, is presently housed at Wade Correctional Center and has been since 2004. In January of 2009, Mr. Watson filed an administrative remedy procedure (ARP) request seeking restoration of good time credits previously forfeited from 1997 to 2004 at disciplinary hearings at Winn Correctional Center. The Department of Corrections rejected his ARP request, stating that disciplinary matters are to be appealed through the disciplinary appellate process. Mr. Watson filed a petition for judicial review in the Nineteenth Judicial District Court naming as defendants Tim Wilkinson, Warden of Winn Correctional Center, and James LeBlanc, Secretary of the Department of Corrections (Department).

After a thorough consideration of all of the evidence, the commissioner for the district court found that, by using an administrative remedies procedure, Mr. Watson was attempting to resurrect multiple disciplinary decisions made by Winn Correctional Center between 1997 and 2004, which he had failed to timely seek review of through the disciplinary appeal process as articulated in La. R.S. 15:1171B and in the Department's regulations contained in LAC, Title 22, Part I, §361. Because the disciplinary appeal process is the exclusive remedy afforded to Mr. Watson in seeking review of disciplinary decisions, the commissioner stated that the Department's rejection of his ARP request was neither arbitrary nor in violation of any of Mr. Watson's rights. By judgment dated August 17, 2009, the district court affirmed the Department's decision and dismissed Mr. Watson's appeal, with prejudice.

After a thorough review of the record, we find no clear error or error of law in the reasoning and findings of the commissioner's report, and affirm the judgment of the district court dismissing Mr. Watson's appeal in accordance with Uniform Court of Appeal Rule 2-16.2A(4-8).

AFFIRMED.