

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2014 CA 0214

GARY BOUDREAUX

VERSUS

JAMES M. LEBLANC, SECRETARY LOUISIANA DEPARTMENT OF PUBLIC
SAFETY AND CORRECTIONS, ET AL.

Judgment rendered September 19, 2014.



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Appealed from the
19th Judicial District Court
in and for the Parish of East Baton Rouge, Louisiana
Trial Court No. C621826
Honorable R. Michael Caldwell, Judge

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GARY BOUDREAUX
ANGOLA, LA

PRO SE
DEFENDANT-APPELLANT

TERRI L. CANNON
ANGOLA, LA

ATTORNEY FOR
DEFENDANT-APPELLEE
LOUISIANA DEPARTMENT OF
PUBLIC SAFETY AND CORRECTIONS

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BEFORE: KUHN, PETTIGREW, AND WELCH, JJ.

PETTIGREW, J.

In this case, petitioner, Gary Boudreaux, an inmate in the custody of the Department of Public Safety and Corrections ("DPSC"), filed a request for relief pursuant to La. R.S. 15:1177, seeking judicial review of the final agency decision rendered under Disciplinary Board Appeal No. LSP-2012-0562. In said case, petitioner was found guilty of violating Rule #1 (Contraband) and received a sentence of custody change to maximum working cellblock. The petitioner was also ordered to pay \$4.05 in restitution pursuant to La. R.S. 15:875(C) for a positive drug screen that formed the basis of the instant disciplinary action. Petitioner was unsuccessful in his appeal to the warden, who found that petitioner was provided a due process hearing by the Disciplinary Board and that the sanctions imposed were appropriate. Petitioner's appeal to DPSC was also denied. In its decision, DPSC noted that the evidence supported the charge of Contraband, that all DPSC procedures were followed, and that "the sanctions imposed were appropriate."

In response to petitioner's petition for judicial review, DPSC filed an exception raising the objection of lack of subject matter jurisdiction and/or no cause of action. Noting that the sanctions imposed did not include a loss of good time, DPSC argued that petitioner had not suffered a violation of a substantial right, and, thus, the trial court did not have jurisdiction over the matter.

Following a *de novo* review of the record herein, including the traversal by petitioner and the Commissioner's Report, the trial court rendered judgment on December 5, 2013, granting DPSC's exception and dismissing petitioner's suit, for failure to raise a "substantial right" violation. This appeal by petitioner followed. After a thorough review of the record and relevant jurisprudence, we find no error of law or abuse of discretion by the trial court. Accordingly, we affirm the trial court's December 5, 2013 judgment by summary disposition, in accordance with Uniform Rules--Courts of Appeal, Rule 2-16.2A(5), (6), (7), and (8). All costs associated with this appeal are assessed against petitioner, Gary Boudreaux.

AFFIRMED.