NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2005 CA 2663

DANNY RAY BRADHAM

VERSUS

RICHARD STALDER, SECRETARY OF LOUISIANA DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS, KELLY WARD & VENETIA MICHAELS, WARDENS

DATE OF JUDGMENT: November 3, 2006

ON APPEAL FROM THE NINETEENTH JUDICIAL DISTRICT COURT
(NUMBER 521,880 N(27)), PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

HONORABLE DONALD R. JOHNSON, JUDGE

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Danny Ray Bradham, Pro se Shreveport, Louisiana	Plaintiff/Appellant Danny Ray Bradham
Susan Wall Griffin Baton Rouge, Louisiana	Counsel for Defendant/Appellee Richard Stalder

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BEFORE: KUHN, GAIDRY, AND WELCH, JJ.

Disposition: AFFIRMED.

Kuhn, J.

We affirm the trial court's dismissal of this inmate's suit for damages because it was filed in a parish of improper venue.

Plaintiff, Danny Ray Bradham, filed this suit for damages in the Nineteenth Judicial District Court in East Baton Rouge Parish while he was incarcerated at David Wade Correctional Center ("DWCC"), a state prison located in Claiborne Parish. His suit alleges that he has been falsely imprisoned at DWCC. Bradham generally claims that he would have been released "a long time ago," but for a 250-day forfeiture of good time that the "Special Board" illegally imposed following his escape from the City of Faith Work Release Program.[1] Bradham's suit alleges that he has suffered "tremendous emotional distress, mental anguish, loss of liberty, [and] life and happiness" and he seeks to recover "monetary damages, punitive damages, [and] compensatory damages for relief [of his] pain and suffering ...."

Defendant, Richard L. Stalder, filed an answer to plaintiff's petition acknowledging that Bradham had "exhausted the available Administrative Remedy Procedures regarding the issues alleged in his complaint ...." Stalder also acknowledged that Bradham's request for restoration of the 250 days good time had been granted. Stalder contended, however, that Bradham had been afforded

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[1] After Bradham was found guilty of violating a disciplinary rule prohibiting escape, the Louisiana Department of Public Safety and Corrections' Disciplinary Board imposed a 180-day forfeiture of good time and an administrative transfer to a medium security facility. Additionally, following a "Forfeiture of Good Time" hearing in accordance with Louisiana Revised Statutes 15:571.4, the "Special Board" imposed a 250-day forfeiture of good time. Pursuant to a second step in the Administrative Remedy Request Number DWCC-2003-1644 filed by Bradham, DOC #93000, the Department's Secretary granted Bradham's request for restoration of the 250 days of good time. The Secretary based the restoration on this court's holding in ***Chamblee v. Stalder***, 03-0061 (La. App. 1st Cir. 11/7/03), 868 So.2d 88 (La. App. 1st Cir. 11/7/03).

all relief to which he was entitled and prayed that Bradham's suit would be "dismissed with prejudice at his cost."

Pursuant to Louisiana Revised Statutes 15:1184, the trial court signed a judgment, dismissing Bradham's lawsuit "for filing in the wrong mandatory venue and for failure to show exhaustion of the damage claim through the administration."

Louisiana Revised Statutes 15:1184 provides in pertinent part:

> B. ... The court, on its own motion, may raise an exception of improper venue and ... dismiss the suit.
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> ...
>
> F. 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. ...

A review of the allegations set forth in Bradham's petition reveals that he is seeking solely to recover damages for false imprisonment. Thus, his action is a delictual action seeking damages (see ***Florida v. Louisiana Department of Public Safety and Corrections***, 01-1145, p. 6 (La. App. 1st Cir. 6/21/02), 822 So.2d 712, 715), and exclusive venue lies where his cause of action arose, *i.e.*, the prison where he was situated at the time of his alleged false imprisonment. Based on his allegations, Bradham was falsely imprisoned at DWCC in Claiborne Parish. Thus, based on Louisiana Revised Statutes 1184(B) and (F), the trial court properly found that Bradham's suit was filed in a parish of improper venue. Accordingly, the trial court properly dismissed Bradham's suit, and we hereby affirm the trial court's judgment in accordance with Uniform Rules – Courts of Appeal Rule 2-

16.2(A)(2), (6), (7), and (8). Appeal costs are assessed against plaintiff-appellant, Danny Ray Bradham.

AFFIRMED.