

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2013 CA 1154

HAROLD JOE BLACK

VERSUS

WINN CORRECTION CENTER, ET AL, MONA HEYSE

Judgment rendered FEB 14 2014



Appealed from the
19th Judicial District Court
in and for the Parish of East Baton Rouge, Louisiana
Trial Court No. C612768
Honorable Todd Hernandez, Judge

HAROLD JOE BLACK
PLAIN DEALING, LA

JONATHAN R. VINING
BATON ROUGE, LA

PRO SE
PLAINTIFF-APPELLANT

ATTORNEY FOR
DEFENDANT-APPELLEE
DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONS

BEFORE: PETTIGREW, McDONALD, AND McCLENDON, JJ.

PETTIGREW, J.

Plaintiff-appellant Harold Joe Black, an inmate in the custody of the Department of Public Safety and Corrections, filed a petition for judicial review of a final agency decision rendered under the Corrections Administrative Remedy Procedure Act, La. R.S. 15:1171, *et seq.* The trial court's Commissioner, Nicole Robinson, issued a comprehensive report detailing the administrative history of the request for administrative remedies, its underlying facts, its disposition, the applicable legal issues, and her finding and recommendation that the petition be dismissed as untimely. Following careful *de novo* review of the record, the trial court adopted the Commissioner's report as its reasons for judgment and dismissed the suit as untimely, with prejudice, and at plaintiff's cost. Mr. Black now appeals that judgment, arguing that he timely sought judicial review of the final agency decision.

The Commissioner's report gives an excellent review of the timeline of relevant events herein. Most pertinent, we note that on February 6, 2004, screening officer Mona Heyse dismissed Mr. Black's administrative remedy procedure request, captioned as WNC-2004-121, as untimely. On June 8, 2012, some eight years later, Mr. Black sought review of the agency decision by filing a petition for judicial review with the 19th Judicial District Court.¹ Louisiana R.S. 15:1177 provides the procedure that may be invoked by any offender who is aggrieved by an adverse decision by the Department of Public Safety and Corrections or a contractor operating a private prison facility rendered pursuant to any administrative remedy procedures. The statute states that "[p]roceedings for review may be instituted by filing a petition for review in the district court *within thirty days after receipt of the notice of the final decision by the agency. . . .*" La. R.S. 15:1177(A)(1)(a). (Emphasis added.) Insofar as Mr. Black did not seek review of the dismissal of his administrative remedy procedure request within thirty days of notice of the agency's decision, his petition for judicial review was untimely. It is well established that the

¹ The Petition for Judicial Review was signed by Mr. Black on May 12, 2012, and is file stamped as having been received by the Deputy Clerk of the Court for the 19th Judicial District Court on May 30, 2012. It was subsequently filed on June 8, 2012.

petition for judicial review must be timely filed in order for the jurisdiction of the reviewing court to attach. **Tatum v. Lynn**, 93-1559 (La. App. 1 Cir. 5/20/94), 637 So.2d 796, 797.

Finding the Commissioner's report dated March 6, 2013, and the trial court's judgment dated April 9, 2013, adequately state our reasons for judgment, we affirm the judgment of the trial court. We issue this summary opinion in accordance with Uniform Rules—Courts of Appeal, Rule 2-16.2A(1), (2), (5), (6), and (10). All costs associated with this appeal are assessed against the plaintiff-appellant, Harold Joe Black.

AFFIRMED.