

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2014 CA 1559

MARK WALKER

VERSUS

LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS

Glenn
Mont.
EGP by [Signature]

Judgment Rendered: MAY 26 2015

Appealed from the
Nineteenth Judicial District Court
In and for the Parish of East Baton Rouge
State of Louisiana
Suit Number C631256

Honorable R. Michael Caldwell, Presiding

Mark Walker
Angie, LA

Plaintiff/Appellant
Pro Se

William L. Kline
Baton Rouge, LA

Defendant/Appellee
Louisiana Department of Public
Safety and Corrections

BEFORE: GUIDRY, THERIOT, AND DRAKE, JJ.

GUIDRY, J.

Mark Walker, an inmate in the custody of the Department of Public Safety and Corrections (DPSC), appeals from a judgment of the district court dismissing his request for injunctive and declaratory relief. For the reasons that follow, we affirm.

FACTS AND PROCEDURAL HISTORY

Mr. Walker filed an Administrative Remedy Procedure (ARP) request on September 21, 2013, asserting that an officer activated the electric cell door while he was exiting his cell, resulting in Mr. Walker breaking his pointer finger on his left hand. According to the record, Mr. Walker executed a form withdrawing this ARP request on March 28, 2014, and the prison records reflect the status of this ARP as “withdrawn.” However, Mr. Walker thereafter filed a “Writ of Mandamus Requesting Injunctive and Declaratory Relief” in the Nineteenth Judicial District Court, seeking a declaration that DPSC denied his access to the ARP by forging his signature on the withdrawal form and seeking to enjoin DPSC from preventing inmates from seeking administrative relief.

Pursuant to the screening requirements of La. R.S. 15:1178 and 15:1188, Mr. Walker’s action, though styled as a suit for injunction under the district court’s original jurisdiction, was assigned to a commissioner for review. After reviewing the administrative record, the commissioner recommended dismissal of Mr. Walker’s suit for failure to exhaust administrative remedies and, alternatively, for failure to carry his burden of proof that he is entitled to injunctive relief. Thereafter, the district court signed a judgment dismissing Mr. Walker’s action without prejudice and ordering that Mr. Walker be allowed to file a new ARP if he sees fit. Mr. Walker now appeals the district court’s judgment.

DISCUSSION

Louisiana Revised Statute 15:1171(B) provides that an administrative remedy procedure is the exclusive remedy for complaints and grievances by adult or juvenile offenders, including but not limited to “any and all claims seeking monetary, *injunctive*, *declaratory*, or any other form of relief authorized by law.” (Emphasis added.) As such, claims for injunctive or declaratory relief must go through an administrative proceeding before any further action is taken. See Swanson v. Department of Public Safety and Corrections, 01-1066, p. 5 (La. App. 1st Cir. 6/21/02), 837 So. 2d 634, 637. If an inmate fails to exhaust available administrative remedies, the district court and the appellate court lack subject matter jurisdiction to review the claim. Collins v. Vanny, 14-0675, p. 3 (La. App. 1st Cir. 1/15/15), __ So. 3d __.

In the instant case, the record demonstrates that Mr. Walker did not file an ARP request asserting that the withdrawal of his previous ARP regarding his injured finger was not voluntary, or was “forged,” nor did he file a request seeking to enjoin DPSC from preventing him from seeking administrative relief. Because Mr. Walker failed to exhaust his administrative remedies as to these claims, we find no error in the district court’s judgment dismissing his claims, without prejudice, and ordering that Mr. Walker be allowed to file an ARP as to those claims if he so chooses.¹

CONCLUSION

For the foregoing reasons, we affirm the judgment of the district court. All costs of this appeal are assessed to Mark Walker.

AFFIRMED.

¹ We likewise agree with the commissioner’s recommendation that Mr. Walker has failed to establish entitlement to injunctive relief under La. C.C.P. art. 3601 or La. R.S. 15:1182.