

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT


NO. 2015 CA 1926

RENODE COLLINS

VERSUS

LOUISIANA DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONS

Judgment Rendered: DEC 22 2016



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On Appeal from the
19th Judicial District Court,
Parish of East Baton Rouge, State of Louisiana
Trial Court No. C617150
The Honorable Donald R. Johnson, Judge Presiding

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Renode Collins
Angola, Louisiana

Plaintiff/Appellant
In Proper Person

Terri L. Cannon
Baton Rouge, Louisiana

Attorney for Defendant/Appellee
Louisiana Department of Public
Safety and Corrections

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BEFORE: WELCH, CRAIN, AND HOLDRIDGE, JJ.

CRAIN, J.

Renode Collins, an inmate in the custody of the Louisiana Department of Public Safety and Corrections (Department), confined to the Louisiana State Penitentiary in Angola, Louisiana, instituted this suit seeking issuance of a writ of mandamus to compel prison officials to return his property that was seized. During proceedings before the district court, the inmate additionally complained that he attempted to address the matter in accordance with the Corrections Administrative Remedy Procedure, but his requests for relief were ignored by prison officials. At a hearing before a commissioner for the district court, the Department representative indicated that no such requests for relief had been received, explaining that the inmate had not followed proper procedure for filing them. Additionally, the inmate admitted that his property had been returned as a result of a hunger strike. The commissioner then recommended that the matter be dismissed as moot, and the district court dismissed the suit with prejudice.

The inmate has appealed, contending that he has been denied due process of law. He contends that he should be afforded mandamus relief because prison officials violated CARP's requirement of accepting and processing his grievances.

It is well settled that courts will not decide abstract, hypothetical or moot controversies, or render advisory opinions with respect to such controversies. *Cat's Meow, Inc. v. City of New Orleans, through the Department of Finance*, 98-0601 (La. 10/20/98), 720 So. 2d 1186, 1193. An issue is moot when a judgment or decree on that issue has been deprived of practical significance or made abstract or purely academic. *Tobin v. Jindal*, 11-0838 (La. App. 1 Cir. 2/10/12), 91 So. 3d 317, 321. A case is moot when a rendered judgment or decree can serve no useful purpose and give no practical relief or effect. *Animal Legal Defense Fund v. State, Dept. of Wildlife and Fisheries*, 12-0971 (La. App. 1 Cir. 4/25/13), 140 So. 3d 8, 19, writ denied, 13-1565 (La. 10/4/13), 122 So. 3d 1025. If the case is moot, there

is no subject matter on which the judgment of the court can operate. *Id.* Although jurisdiction may exist at the outset, it may abate if the case becomes moot while the case is proceeding. *See Tobin*, 91 So. 3d at 321. The controversy must normally exist at every stage of the proceeding, including the appellate stages. *Id.*

We agree that this case is now moot. The property that was the subject of the requests for relief and the mandamus action was returned to the inmate. Although he now argues that prison officials should be forced to follow the grievance procedure, such an exercise would have no practical effect since the property was returned. Moreover, the record does not substantiate the inmate's claims that his requests for relief were properly filed and ignored.

The judgment of the district court is affirmed. Costs of this appeal are assessed to Renode Collins. This memorandum opinion is issued in compliance with Uniform Rules – Courts of Appeal, Rule 2-16.1.B.

AFFIRMED.