

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2016 CA 1081

DANNY GIVENS

VERSUS

JAMES LEBLANC, SECRETARY OF THE LOUISIANA  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS  
AND THE LOUISIANA DEPARTMENT OF PUBLIC SAFETY  
AND CORRECTIONS

Judgment Rendered: SEP 15 2017

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APPEALED FROM THE 19<sup>th</sup> JUDICIAL DISTRICT COURT  
EAST BATON ROUGE PARISH, LOUISIANA  
DOCKET NUMBER C607490

HONORABLE TODD HERNANDEZ, JUDGE

\* \* \* \* \*

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**BEFORE: WHIPPLE, C.J., McDONALD, and CHUTZ, JJ.**

**McDONALD, J.**

After being released from prison, Danny Givens filed this false imprisonment suit against James LeBlanc, Secretary of the Louisiana Department of Public Safety and Corrections, and against the department itself (collectively, DPSC). Mr. Givens alleged that DPSC improperly calculated his release date from prison and should have released him earlier. The district court granted summary judgment to DPSC and Mr. Givens appeals from the adverse judgment.

After reviewing the record, we conclude the district court did not err in granting summary judgment to DPSC. The DPSC presented evidence to support its calculation of Mr. Givens' release date from prison. In response, Mr. Givens presented no evidence to support his argument that DPSC's calculation was wrong or what the proper calculation should be. Thus, he has not produced sufficient factual support to satisfy his evidentiary burden at trial, and summary judgment is appropriate. LSA-C.C.P. art. 966(C)(2).<sup>1</sup>

We affirm the September 12, 2014 judgment, dismissing Mr. Givens' claims with prejudice. We issue this memorandum opinion in compliance with Uniform Rules – Courts of Appeal, Rule 2-16.1(B). We assess costs of the appeal to Danny Givens.

**AFFIRMED.**

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<sup>1</sup> Louisiana Code of Civil Procedure article 966 was amended and reenacted by 2015 La. Acts No. 422, §1, with an effective date of January 1, 2016. The amended version does not apply to any motion for summary judgment pending adjudication or appeal on the effective date of Act No. 422. Because DPSC's motion was pending on the effective date of Act. No. 422, the former version of LSA-C.C.P. art. 966 applies.