

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2018 CA 0155

RONNIE HONGO

VERSUS

LOUISIANA DEPARTMENT OF PUBLIC SAFETY AND
CORRECTIONS

ahp
guy
mt.

Judgment Rendered: SEP 21 2018

On Appeal from the 19th Judicial District Court
In and for the Parish of East Baton Rouge
State of Louisiana
No. 631,437

Honorable Janice Clark, Judge Presiding

Ronnie Hongo
David Wade Correctional Center
Homer, Louisiana

In Proper Person

Susan Wall Griffin
Baton Rouge, Louisiana

Attorney for Appellee,
Louisiana Department of
Public Safety and Corrections

BEFORE: GUIDRY, THERIOT, AND PENZATO, JJ.

PENZATO, J.

Ronnie Hongo, an inmate in the custody of the Louisiana Department of Public Safety and Corrections (the Department), appeals a judgment that dismissed his petition for judicial review. For the following reasons, we dismiss the appeal.

FACTS AND PROCEDURAL HISTORY

Mr. Hongo filed a petition for judicial review of Administrative Remedy Procedure No. DWCC-2013-1224 in accordance with La. R.S. 15:1171 *et seq.* In his petition, Mr. Hongo asked that he “be given [his] permanent indoors duty status, given [his] orthopaedic pillow for degenerative disc disease, Keppra 750 mg. twice a day, and sent to neuro [and] ortho.” The record was reviewed by the Commissioner,¹ who issued a report finding that there was no evidence that the medical treatment provided to Mr. Hongo was unreasonable or had resulted in any additional injury or aggravation of his illness. The Commissioner further found that although Mr. Hongo was prescribed an orthopaedic pillow, there was no proof that it was provided to him. The Commissioner recommended that the Department’s decision be affirmed in part, and reversed in part, and that the suit be dismissed without prejudice. Following a *de novo* review of the record, the trial court signed a judgment on July 5, 2017, which provided that:

IT IS ORDERED, ADJUDGED AND DECREED, that the Department’s decision be affirmed in part and reversed in part. This appeal is to be dismissed without prejudice at the Department’s costs.

On September 19, 2017, Mr. Hongo filed a notice of appeal from the July 5, 2017 judgment.

On February 7, 2018, this court, *ex proprio motu*, issued a show cause order concerning whether the appeal should be dismissed, as it appeared to have been

¹ The office of the Commissioner of the Nineteenth Judicial District Court was created by La. R.S. 13:711 to hear and recommend disposition of criminal and civil proceedings arising out of the incarceration of state prisoners. The Commissioner’s written findings and recommendations are submitted to a district judge, who may accept, reject, or modify them. *Hakim-El-Mumit v. Stalder*, 2003-2549 (La. App. 1 Cir. 10/29/04), 897 So. 2d 112, 113 n. 1.

untimely filed. The rule to show cause was referred to this panel, to which the appeal was assigned.

JURISDICTION

Appellate courts have a duty to examine subject matter jurisdiction *sua sponte*, even when the parties do not raise the issue. *Texas Gas Exploration Corp. v. Lafourche Realty Co., Inc.*, 2011-0520 (La. App. 1 Cir. 11/9/11), 79 So. 3d 1054, 1059, writ denied, 2012-0360 (La. 4/9/12), 85 So. 3d 698. Our appellate jurisdiction extends to “final judgments.” See La. C.C.P. art. 2083. A valid judgment must be “precise, definite, and certain.” *Laird v. St. Tammany Parish Safe Harbor*, 2002-0045 (La. App. 1 Cir. 12/20/02), 836 So. 2d 364, 365. Moreover, a final appealable judgment must contain decretal language, and it must name the party in favor of whom the ruling is ordered, the party against whom the ruling is ordered, and the relief that is granted or denied. See *Carter v. Williamson Eye Center*, 2001-2016 (La. App. 1 Cir. 11/27/02), 837 So. 2d 43, 44. These determinations should be evident from the language of the judgment without reference to other documents in the record. *Laird*, 836 So. 2d at 366. Thus, a judgment that does not contain decretal language cannot be considered as a final judgment for the purpose of an immediate appeal, and this court lacks jurisdiction to review such a judgment. See *Johnson v. Mount Pilgrim Baptist Church*, 2005-0337 (La. App. 1 Cir. 3/24/06), 934 So.2d 66, 67.

The July 5, 2017 judgment does not identify which part of the Department’s decision is affirmed and which is reversed. In addition, the judgment dismissed Mr. Hongo’s appeal, despite granting him part of the requested relief. Thus, we find that the July 5, 2017 judgment is defective because the relief that is granted in part and denied in part cannot be determined from the language of the judgment without reference to extrinsic documents. In the absence of a valid final judgment, we lack jurisdiction to review this matter.²

² As we find that we do not have jurisdiction to review the July 5, 2017 judgment, we preterm consideration of whether the appeal was timely filed, and dismiss the rule to show cause as moot.

CONCLUSION

For the above and foregoing reasons, we dismiss this appeal and remand the matter to the trial court for further proceedings. Assessment of appeal costs are to await a final determination of this suit.

APPEAL DISMISSED.