

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2002 CA 0399

RICHARD PARKER

VERSUS

JAMES LEBLANC (WARDEN AT DIXON CORRECTIONAL INSTITUTE), RICHARD STALDER (SECRETARY OF THE DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS) AND STEVEN L. THOMAS (COLONEL AT DIXON CORRECTIONAL INSTITUTE)

Judgment Rendered: February 14, 2003

Appealed from the Nineteenth Judicial District Court in and for the Parish of East Baton Rouge, State of Louisiana
Suit Number 475,508

Honorable Curtis A. Calloway, Judge

Richard Parker
Jackson, LA

Plaintiff/Appellant
In Proper Person

William L. Kline
Baton Rouge, LA

Counsel for Defendants/Appellees
James LeBlanc, et al

BEFORE: FITZSIMMONS, GUIDRY, AND PETTIGREW, JJ.

FITZSIMMONS, J.

Plaintiff, Richard Parker, filed a petition for judicial review of an administrative remedy action. The district court found that Mr. Parker failed "to raise a substantial right violation which would state a cause of action and/or invoke the jurisdiction of [the c]ourt, pursuant to [La.] R.S. 15:1177(A)(9)." The petition for judicial review was dismissed, with prejudice.

After a thorough review of the record, we agree with the reasoning of the district court and the commissioner. "[T]he Due Process Clause does not protect every change in the conditions of confinement having a substantial adverse impact on the prisoner." **Sandin v. Conner**, 515 U.S. 472, 478, 115 S.Ct. 2293, 2297, 132 L.Ed.2d 418 (1995). Mr. Parker's change in custody status from medium to maximum and a thirty-day confinement was not atypical or a significant hardship in relation to the ordinary incidents of prison life. Thus, the change in custody did not afford Mr. Parker "a protected liberty interest that would entitle him to . . . procedural protections," violate his constitutional rights, or entitle him to damages. **Sandin v. Conner**, 515 U.S. at 487, 115 S.Ct. at 2302; see **Giles v. Cain**, 99-1201, pp. 4-7 (La.App. 1 Cir. 6/23/00), 762 So.2d 734, 738-39; **Lay v. Porey**, 97-2903, p. 4 (La.App. 1 Cir. 12/28/98), 727 So.2d 592, 594, writ denied, sub nom. 99-2720 (La. 3/31/00), 758 So.2d 812.

Therefore, we affirm the judgment in favor of defendants, State of Louisiana, Department of Public Safety and Corrections, and its employees specifically named in the suit. The costs of the appeal are assessed to plaintiff-appellant, Mr. Parker.

AFFIRMED.