

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2005 CA 2664

MARK ANTHONY DELAFOSSE

VERSUS

**KATHY ROBERTS & YUSUF ABDULLAH,
LOUISIANA STATE PENITENTIARY**

Judgment rendered: November 3, 2006

**On Appeal from the 19th Judicial District Court
Parish of East Baton Rouge, State of Louisiana
Suit Number 508,840; Division "M"(26)
The Honorable Kay Bates, Judge Presiding**

**Mark A. Delafosse
Louisiana State Penitentiary
Angola, LA**

**Plaintiff/Appellant
In Proper Person**

**L. Bruce Dodd
Baton Rouge, LA**

**Counsel for Defendant/Appellee
Richard Stalder**

BEFORE: PETTIGREW, DOWNING AND HUGHES, JJ.

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DOWNING, J.

This appeal arises from the confiscation of a prisoner's book, *The Theology of Time*. Plaintiff/Appellant, Mark Anthony Delafosse, an inmate in the custody of the Louisiana Department of Public Safety and Corrections, seeks a review of the district court judgment dismissing his suit with prejudice.

The Commissioner's Report dated July 6, 2005, adopted by the district court in its August 4, 2005 judgment, adequately explained that the Department's decision to deny the book was logically based on legitimate security concerns. The material in the book could cause trouble between the races, and the threatening tone of the author could encourage fear and intimidation. After a thorough review of the record, we find no error in the district court judgment. The district court judgment is affirmed by summary disposition in accordance with Uniform Rules - Courts of Appeal Rule 2-16.2A(5), (7), and (8). Costs of this appeal are assessed to plaintiff/appellant, Mark Anthony Delafosse.

AFFIRMED