

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2006 CA 0066

CHARLES J. TAYLOR

VERSUS

RICHARD STALDER, SECRETARY DEPARTMENT
OF CORRECTIONS, SECRETARY DESIGNEE
LINDA RAMSEY, LT. JOHN PORANUK FIELD LT.,
LT. COL. MILL, LT. COL OF THE FIELD[,] SGT.
GRAY FIELD FORMAN, WARDEN ROBERTSON,
WARDEN OF THE FIELD[,] CADET JACKIE PAGE,
GUN GUARD[,] MAJOR OF THE FIELD STEPSON

Handwritten initials:
JL
RHP
JME

Judgment Rendered: November 3, 2006

Appealed from the
Nineteenth Judicial District Court
In and for the Parish of East Baton Rouge
State of Louisiana
Suit Number 533,682

Honorable R. Michael Caldwell, Judge

Charles J. Taylor
Homer, LA

In Proper Person
Plaintiff-Appellant

Susan Wall Griffin
William L. Kline
Baton Rouge, LA

Counsel for
Defendants-Appellees
Louisiana Department
of Public Safety and
Corrections, et al.

BEFORE: PARRO, GUIDRY, AND McCLENDON, JJ.

GUIDRY, J.

Charles J. Taylor, an inmate in the custody of the Louisiana Department of Public Safety and Corrections (DPSC), was issued a disciplinary rule violation report for crossing the guard line without restraints in violation of Rule #5 of the Disciplinary Rules and Procedures for Adult Inmates. Following a hearing before the prison disciplinary board on November 12, 2004, Taylor was found guilty of the charged violation, and following a rehearing conducted on December 17, 2004, Taylor was sentenced to 28 days cell confinement and a custody change from medium to maximum (working cell block). After exhausting the three-step review process before DPSC, Taylor filed a petition for judicial review with the Nineteenth Judicial District Court. In a screening report submitted by the commissioner assigned by the district court to review the matter, it was recommended that Taylor's petition be dismissed "with prejudice at Petitioner's cost in accordance with R.S. 15:1178, 15:1184-88 and 15:1177A(9), for failure to raise a 'substantial right' violation and thus, for being frivolous and failing to state a cognizable claim or cause of action for relief." The district court rendered a screening judgment in conformity with the recommendation of the commissioner.

After a thorough review of the record, we find no error in the analysis or conclusions of the district court. As recognized by the commissioner in her screening report, in order for the district court to reverse or modify the decision of the DPSC, Taylor had to first show how his substantial rights were prejudiced by the decision. See La. R.S. 15:1177A(9). The imposition of 28 days cell confinement and a custody change from medium to maximum is not unusual or a significant hardship in relation to the ordinary incidents of prison life and did not prejudice Taylor's substantial rights. Thus, modification or reversal of the disciplinary action by the DPSC was not warranted under the law. See Parker v. Leblanc, 02-0399 (La. App. 1st Cir. 2/14/03), 845 So. 2d 445; Lay v. Porey, 97-

2903, pp. 3-4 (La. App. 1st Cir. 12/28/98), 727 So. 2d 592, 593-594, writ denied,
sub nom. Lay v. First Circuit Court of Appeal, 99-2720 (La. 3/31/00), 758 So. 2d
812.

We, therefore, affirm the screening judgment of the district court and issue
this summary disposition in accordance with Uniform Rules - Courts of Appeal,
Rule 2-16.2(A)(2), (5), and (6). Costs of this appeal are assessed to the appellant,
Charles J. Taylor.

AFFIRMED.