

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2006 CA 1179

THOMAS C. WYRE, SR.

VERSUS

LOUISIANA DEPARTMENT OF PUBLIC SAFETY &
CORRECTIONS; RECORDS ANALYST, LINDA RAMSEY

DATE OF JUDGMENT: May 4, 2007

ON APPEAL FROM THE NINETEENTH JUDICIAL DISTRICT COURT
(NUMBER 525,722 "D"), PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

THE HONORABLE JANICE CLARK, JUDGE

Thomas C. Wyre, Sr.
Cottonport, Louisiana

Pro Se

William L. Kline
Baton Rouge, Louisiana

Counsel for Defendant/Appellee
Richard Stalder

BEFORE: KUHN, GAIDRY, AND WELCH, JJ.

Disposition: AFFIRMED.

KUHN, J.

Petitioner-appellant, Thomas C. Wyre, Sr., an inmate in the custody of the Louisiana Department of Public Safety and Corrections, filed a petition for judicial review of an adverse decision rendered under the Corrections Administrative Remedy Procedure Act, La. R.S. 15:1171 *et seq.*

Following a *de novo* review and in accordance with the Commissioner's report finding that the Department's decision was neither arbitrary, manifestly erroneous, or in violation of Wyre's constitutional or statutory rights, the district court dismissed Wyre's petition for judicial review with prejudice. Wyre appeals.

After considering the record, we conclude that Wyre is not entitled to relief under La. R.S. 15:117A(9), and we agree with the district court's conclusion that Wyre's petition for judicial review should be dismissed with prejudice. Finding the Commissioner's report adequately explains the decision of this court, we affirm the district court's judgment by summary disposition in accordance with Rule 2-16.2A(5) of the Uniform Rules of Louisiana Court of Appeal.¹ Costs of this appeal are assessed to petitioner/appellant, Thomas C. Wyre, Sr.

AFFIRMED.

¹ We note the Commissioner's Recommendation described Wyre's sentences as "seven consecutive sentences" when the administrative record reflects that petitioner was sentenced to serve six consecutive sentences, a twenty-one year sentence for manslaughter and five, consecutive, five-year sentences for second degree battery. This inadvertent error, however, had no impact on the Commissioner's otherwise sound analysis of Wyre's contentions asserted in his petition for judicial review.