

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2006 CA 1407

CHARLES CARTER

VERSUS

BURL CAIN, WARDEN, LOUISIANA STATE
PENITENTIARY AND SUPERVISOR, MAILROOM

Judgment Rendered: May 4, 2007.

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On Appeal from the
19th Judicial District Court,
in and for the Parish of East Baton Rouge
State of Louisiana
District Court No. 537,260

The Honorable Kay Bates, Judge Presiding

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Charles Carter
Angola, La.

Plaintiff/Appellant,
In Proper Person

William Kline
Baton Rouge, La.

Counsel for Defendant/Appellee,
Louisiana State Penitentiary

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BEFORE: CARTER, C.J., WHIPPLE AND MCDONALD, JJ.

sgf
WKM
JMM

CARTER, C.J.

Inmate Charles Carter seeks review of the district court's February 2, 2006, interlocutory ruling denying his request to lift the stay of his suit issued pursuant to LSA-R.S. 15:1186F.

A ruling denying a motion to vacate or lift a stay is an interlocutory judgment in that it does not determine the merits but only a preliminary matter in the course of the action. LSA-C.C.P. art. 1841. Louisiana Code of Civil Procedure article 2083 provides that final judgments are appealable in all causes in which appeals are given by law, but an interlocutory judgment is appealable only when expressly provided by law. There is no express provision authorizing the appeal of the denial of a motion to vacate a stay. Plaintiff/appellant is not entitled to an appeal.

For these reasons, we dismiss the appeal by summary disposition in accordance with Uniform Rules-Louisiana Courts of Appeal, Rule 2-16.2A(2). Costs of this appeal are assessed to plaintiff/appellant, Charles Carter.

APPEAL DISMISSED.