

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2006 CA 1477

DARRELL LEE

VERSUS

**STATE DEPARTMENT OF CORRECTIONS, RICHARD STALDER,
BURL CAIN, WARDEN**

Judgment rendered: May 4, 2007

**On Appeal from the 19th Judicial District Court
Parish of East Baton Rouge, State of Louisiana
Suit Number 518, 459; Division D Sec. 21
The Honorable Janice Clark, Judge Presiding**

**Darrell Lee
Angola, LA**

**Plaintiff/Appellant
In Proper Person**

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

**Counsel for Defendant/Appellee
State Department of Corrections**

BEFORE: PETTIGREW, DOWNING AND HUGHES, JJ.

Hughes, J., concurs.

DOWNING, J.

Inmate, Darrell Lee, appeals a judgment dismissing his petition seeking mandamus relief. Lee alleges that the Department of Public Safety and Corrections (DPSC) failed to follow the time limitations in that his appeal was not decided within thirty days of the receipt of his disciplinary board appeal. We affirm the judgment of the trial court.

The DPSC filed the administrative record under Disciplinary Board Appeal No. LSP-2003-14591-W. The record indicates that Lee was initially found to be in violation of General Prohibited Behavior (Rule No. 30-D) occurring on December 5, 2003. The penalty imposed by the Board consisted of a loss of incentive wages for a period of one year and a custody change. Lee's original hearing commenced on December 12, 2003, and continued on February 21, 2004. Subsequently, Lee filed a request for mandamus relief with the Warden. As a result a rehearing on the charges was held March 3, 2004. Lee was found in violation of General Prohibited Behavior (Rule No. 30-D), on March 31, 2004, and the original penalty was imposed. Lee sought further review, which was denied on December 17, 2004.

Pursuant to the Commissioner's recommendation, the trial court ruled that Lee was not entitled to mandamus relief since matter was remanded for rehearing at the time his request for relief was filed. After a thorough review of the record and relevant jurisprudence, we conclude that the trial court did not abuse its discretion in upholding the Board's decision. Therefore, we affirm the trial court's judgment by this summary disposition in accordance with Uniform Rules - - Courts of Appeal, Rule 2-16.2A(5). All costs associated with this appeal are assessed against petitioner, Darrell Lee.

AFFIRMED