

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2010 CA 0943

ROBERT WILLIAMS

VERSUS

JAMES LEBLANC, SECRETARY DEPARTMENT OF CORRECTION
& RISK REVIEW PANEL

DATE OF JUDGMENT: OCT 29 2010

ON APPEAL FROM THE NINETEENTH JUDICIAL DISTRICT COURT
NUMBER 565,103, DIV. 8, PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

HONORABLE WILSON FIELDS, JUDGE

Robert Williams
Angola, Louisiana

Plaintiff-Appellant
Pro Se

Terri L. Cannon
Baton Rouge, Louisiana

Defendant-Appellee
James LeBlanc

BEFORE: KUHN, GUIDRY, AND PETTIGREW, JJ.

Disposition: AFFIRMED.

KUHN, J.

Petitioner-appellant, prisoner, Robert Williams, appeals the district court judgment dismissing his petition for judicial review of his administrative remedy procedure (ARP) claim; as well as his request for an alternative writ of mandamus, directing the Louisiana Risk Review Panel to comply with La. R.S. 15:308 and 574.22.

As noted by the commissioner in his recommendation, petitioner's request for administrative relief was correctly rejected since the Department's regulations do not allow Louisiana Risk Review Panel decisions to be appealed through the ARP. *See* La. Administrative Code Title 22, Section 325(F)(1)(a)(i)(c) (an ARP request may be rejected by a screening officer if the matter is a Louisiana Risk Review Panel recommendation since that is a matter that is not appealable through the ARP process).

Insofar as his request for an alternative writ of mandamus, because petitioner was sentenced as an habitual offender and was previously convicted of first degree robbery, a crime defined as a "crime of violence" under La. R.S. 14:2(B)(22), he is ineligible for review by the Louisiana Risk Review Panel under La. R.S. 15:574.22(G)(3) (a person sentenced as an habitual offender under R.S. 15:529.1 where one or more of the crimes for which the person was convicted is a crime defined or enumerated as a crime of violence in R.S. 14:2(B) shall not be eligible for review by the Louisiana Risk Review Panel). Thus, the commissioner

correctly recommended that petitioner's mandamus claim be dismissed for having failed to state a cause of action.¹

For these reasons, the district court judgment, rendered in conformance with the commissioner's recommendations, is affirmed in accordance with La. URCA Rule 2-16.2(A)(2), (4), (5) and (6). Appeal costs are assessed against petitioner-appellant, Robert Williams.

AFFIRMED.

¹ While petitioner's pleading filed in the district court raises assertions of violations of the U.S. Constitution, the sole relief he requested was issuance of an alternative writ of mandamus. The district court did not rule on petitioner's entitlement to constitutional relief, ostensibly because it was not properly raised. As such, any attempted constitutional challenge is not properly before this court on appellate review. *See Willows v. State, Dep't of Health & Hospitals*, 2008-2357 p. 10 (La. 5/5/09), 15 So.3d 56, 63.