

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2010 CA 0823

DAX STRATTMAN

VERSUS

**LOUISIANA RISK REVIEW PANEL, LOUISIANA DEPARTMENT
OF PUBLIC SAFETY AND CORRECTIONS, ET AL**

Judgment Rendered: **AUG 17 2011**

**Appealed from the
19th Judicial District Court
In and for the Parish of East Baton Rouge
State of Louisiana
Case No. 576092**

The Honorable William A. Morvant, Judge Presiding

**Dax Stratman
Jonesboro, Louisiana**

**Plaintiff/Appellant
In Proper Person**

**Debra A. Rutledge
Baton Rouge, Louisiana**

**Counsel for Defendant/Appellee
Department of Public Safety and
Corrections**

BEFORE: CARTER, C.J., GAIDRY AND WELCH, JJ.

GAIDRY, J.

Dax Strattman, an inmate in the custody of the Louisiana Department of Public Safety and Corrections, filed a suit for mandamus and for injunction on March 5, 2009, asking the court to require the Risk Review Panel to evaluate him pursuant to La. R.S. 15:574.22 and La. R.S. 15:308, or alternatively, to enjoin the Risk Review Panel from continuing to operate at taxpayer expense since they refused to consider him for leniency. On June 23, 2009, the Risk Review Panel held a hearing to evaluate Strattman. Strattman was not satisfied with the outcome and later supplemented his petition, seeking to have the court order the Risk Review Panel to retroactively reduce his current sentence pursuant to La. R.S. 15:308.

Because his petition failed to state a cause of action, and also because his request that the court order the Risk Review Panel to evaluate him was mooted by his admission that an evaluation was conducted, the Commissioner¹ recommended that Strattman's petition be dismissed. Strattman filed a traversal of the Commissioner's recommendation, after which the court dismissed his petition with prejudice. Strattman appealed, alleging that the trial court improperly dismissed his petition.

The record reflects that the Risk Review Panel did evaluate Strattman. The only duty that is required of the Risk Review Panel is review of the application. There is no legal authority for compelling any other action by them. *Weaver v. LeBlanc*, 09-0244 (La.App. 1 Cir. 9/14/09), 22 So.3d 1014, 1017, *writ denied*, 09-2290 (La. 10/1/10), 45 So.3d 1090. Accordingly, the judgment of the district court is affirmed in accordance with Uniform Rules

¹ The office of the Commissioner of the Nineteenth Judicial District Court was created by LSA-R.S. 13:711 to hear and recommend disposition of criminal and civil proceedings arising out of the incarceration of state prisoners. The Commissioner's written findings and recommendations are submitted to a district judge, who may accept, reject, or modify them.

of Courts of Appeal 2-16.2.A(2), (4), (6). Costs of this appeal are assessed to Dax Stratman.

AFFIRMED.