

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2010 CA 1125

ELBERT WHITE

VERSUS

LOUISIANA RISK REVIEW PANEL, LOUISIANA
DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS,
THE LOUISIANA BOARD OF PARDONS,
JAMES A LEBLANC, LYNN COOPER, WAYNE MILLUS,
ANGIE HUFF, LINDA RAMSEY,
W. PAYTON CUNNINGHAM, JR., GREG BRIDGES,
AND SUSAN TUCKER

Judgment Rendered: December 22, 2010.

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On Appeal from the
19th Judicial District Court,
In and for the Parish of East Baton Rouge,
State of Louisiana
Trial Court No. 585,043

The Honorable R. Michael Caldwell, Judge Presiding

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Elbert White
Homer, LA

Plaintiff/Appellant,
In Proper Person

William Kline
Baton Rouge, LA

Attorney for Defendant/Appellee,
Louisiana Department of Corrections

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

CARTER, C. J.

Elbert White appeals a district court judgment dismissing his petition for writ of mandamus with prejudice for failure to state a cause of action. White's petition sought an order compelling the Louisiana Risk Review Panel and the Louisiana Board of Pardons to retroactively apply the ameliorative penalty provisions of LSA-R.S. 15:308 to his conviction. The record reflects that the Risk Review Panel did review the matter and recommended leniency to the Pardon Board, who denied White's request for commutation of sentence. 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. And, this court has no judicial oversight over the pre-release decisions of the Pardon Board. **Id.** Accordingly, the judgment of the district court is affirmed in accordance with Uniform Rules of Courts of Appeal 2-16.2.A(2), (4), (6). Costs of this appeal are assessed to Elbert White.

AFFIRMED.