

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL**

**FIRST CIRCUIT**

**2011 CA 0496**

**GARY HALLER**

**VERSUS**

**TERRY TERRELL, WARDEN, ALLEN CORRECTIONAL CENTER AND  
LOUISIANA DEPARTMENT OF PUBLIC SAFETY & CORRECTIONS**

**Judgment Rendered: NOV - 9 2011**

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On Appeal from the Nineteenth Judicial District Court  
In and for the Parish of East Baton Rouge  
State of Louisiana  
Docket No. 594,943

Honorable Wilson Fields, Judge Presiding

\* \* \* \* \*

Gary Haller  
Kinder, Louisiana

Plaintiff/Appellant  
In Proper Person

William Kline  
Baton Rouge, Louisiana

Counsel for Defendant/Appellee  
Louisiana Department of  
Corrections

\* \* \* \* \*

**BEFORE: PETTIGREW, McCLENDON, AND WELCH, JJ.**

**McCLENDON, J.**

Plaintiff, Gary Haller, an inmate in the custody of the Louisiana Department of Public Safety and Corrections (the Department), challenges a judgment of the district court dismissing his appeal without service on the Department for failure to raise a "substantial right" violation or state a cause of action. We affirm the judgment.

Plaintiff was charged with violating the prison disciplinary rule for aggravated disobedience. After a hearing, he was found guilty and sentenced to a custody change (suspended) and an eight-week forfeiture of incentive pay (imposed). Plaintiff's appeals to the warden and to the Secretary of the Department were denied, and on September 22, 2010, plaintiff filed this petition for judicial review pursuant to LSA-R.S. 15:1177. The commissioner issued a comprehensive screening report on October 7, 2010, recommending that plaintiff's appeal be dismissed without service on the Department for failure to raise a "substantial right" violation and, thus, to state a cause of action for which relief is available. On December 7, 2010, after *de novo* review of the pleadings, the district court adopted the written reasons in the commissioner's report and rendered a screening judgment dismissing plaintiff's appeal. From this judgment, plaintiff has appealed.

After a thorough review of the record, we find no error in the analysis or conclusions of the district court. As recognized in the commissioner's screening report, the district court can reverse or modify the decision of the Department only if substantial rights of the plaintiff have been prejudiced. See LSA-R.S. 15:1177A (9). The disciplinary sentence of a loss of eight weeks incentive wages and a suspended custody change is not unusual or a significant hardship in relation to the ordinary incidents of prison life and did not prejudice plaintiff's substantial rights. Thus, modification or reversal of the disciplinary action by the Department was not warranted under the law. See **Sandin v. Conner**, 515 U.S. 472, 478, 115 S.Ct. 2293, 2297, 132 L.Ed.2d 418 (1995); **Parker v. LeBlanc**, 02-0399, p. 2 (La.App. 1 Cir. 2/14/03), 845 So.2d 445, 446.

Based on the foregoing, we affirm the December 7, 2010 judgment of the district court dismissing plaintiff's petition for judicial review and issue this summary opinion in accordance with Uniform Rules, Courts of Appeal, Rule 2-16.2.A (2), (5), and (6). Costs of this appeal are assessed to the plaintiff, Gary Haller.

**AFFIRMED.**