

**NOT DESIGNATED FOR PUBLICATION**

**STATE OF LOUISIANA**

**COURT OF APPEAL**

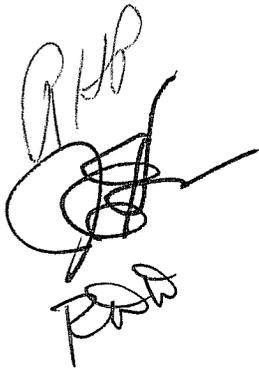
**FIRST CIRCUIT**

**2007 CA 0003**

**JOHN E. SPELLMAN**

**VERSUS**

**RICHARD STALDER, SERGEANT TATE,  
LOUISIANA DEPARTMENT OF PUBLIC SAFETY  
AND CORRECTIONS, AND INSURANCE COMPANY**



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**On Appeal from the 19th Judicial District Court  
Parish of East Baton Rouge, Louisiana  
Docket No. 544,130, Division M, Section 26  
Honorable Kay Bates, Judge Presiding**

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**John E. Spellman  
Kinder, LA**

**Plaintiff-Appellant  
In Proper Person**

**William L. Kline  
Baton Rouge, LA**

**Attorney for Defendants  
Richard Stalder, Sergeant Tate, and  
Louisiana Department of Public  
Safety and Corrections**

**BEFORE: PARRO, KUHN, AND DOWNING, JJ.**

**Judgment rendered November 2, 2007**

**PARRO, J.**

John E. Spellman, an inmate in the custody of the Department of Public Safety and Corrections, appeals a judgment dismissing his tort suit for personal injury suffered in a motor vehicle accident while he was being transported on or about August 30, 2005, from one facility to another. The sole issue on appeal is whether venue for Spellman's tort claims is proper in the Nineteenth Judicial District Court, Parish of East Baton Rouge, based on LSA-R.S. 15:1184(F).

Spellman correctly notes that all suits filed against the state of Louisiana or any state agency may be instituted before the district court of the judicial district in which the state capitol is located or in the district court having jurisdiction in the parish in which the cause of action arises. See LSA-R.S. 13:5104(A). However, venue for delictual actions by prisoners is specifically governed by LSA-R.S. 15:1184(F), which provides:

The exclusive venue for delictual actions for injury or damages shall be the parish where the prison is situated to which the prisoner was assigned when the cause of action arose. Upon consent of all parties, the court may transfer the suit to a parish in which venue would otherwise be proper.

After a thorough review of the record, relevant statutory law, and relevant jurisprudence, we conclude that the commissioner's screening report, which was adopted by the district court, adequately explained the decision reached. Furthermore, we find that the district court's decision is legally correct.<sup>1</sup> Therefore, we affirm the district court's judgment in accordance with Uniform Court of Appeal Rule 2-16.2(A)(2), (5), and (6). All costs associated with this appeal are assessed against John E. Spellman.

**AFFIRMED.**

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<sup>1</sup> Being unable to determine from the face of the pleadings the court of proper venue, we conclude the district court acted properly in dismissing Spellman's suit. See LSA-C.C.P. art. 121.