

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NUMBER 2010 CA 2034

NICKEY A. LANDOR

VERSUS

LOUISIANA STATE PENITENTIARY CLASSIFICATION DEPARTMENT
ADMINISTRATIONS, CLASSIFICATION OFFICER ERNEST WILLIAMS

Judgment Rendered: September 14, 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
Suit number 586,144

Honorable Todd Hernandez, Presiding

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Nickey A. Landor
Angola, LA

Plaintiff/Appellant
Pro Se

Terri L. Cannon
Angola, LA

Defendant/Appellee
Louisiana State Penitentiary
Classification Department

* * * * *

BEFORE: WHIPPLE, KUHN, AND GUIDRY, JJ.

GUIDRY, J.

Petitioner, Nickey Landor, is an inmate in the custody of the Louisiana State Department of Public Safety and Corrections and is housed at the Louisiana State Penitentiary at Angola. On December 9, 2009, Mr. Landor filed a request for Administrative Remedy Procedure (ARP). In his request, Mr. Landor stated that he was placed in administrative segregation by the classification board upon his arrival at Angola on November 2, 2009, and thereafter, was transferred to extended lockdown. Mr. Landor asserted that the Department's decision to place him in lockdown was an abuse of discretion, and that as a result he has lost various rights and privileges, such as telephone access, non-contact visits, television and media access, yard time, law library access and church. On December 21, 2009, the Department rejected Mr. Landor's ARP request, stating that cellblock and lockdown review board decisions are not appealable through ARP.

Thereafter, Mr. Landor filed a petition for judicial review in the Nineteenth Judicial District Court, seeking injunctive relief. A commissioner for the district court conducted a hearing, and after taking the matter under advisement, recommended to the district court judge that Mr. Landor's request for judicial review and injunctive relief be denied, and that the matter be dismissed with prejudice. In his recommendation, the commissioner noted that LAC, Title 22, Part I, §325(C)(4) provides that lockdown review board decisions are not appealable through ARP, unless no reason is given by the lockdown review board or a review is not conducted every ninety days. The commissioner examined the lockdown review summaries provided by the Department and noted that, based on these documents, Mr. Landor has received timely reviews and has been continued on lockdown status based on his initial classification. Further, the commissioner noted that although the Department failed to check a reason for maintaining Mr.

Landor on lockdown at the February 2010 review, the subsequent monthly reviews advised Mr. Landor of the reason for his continued lockdown. As such, the commissioner determined that the Department properly rejected Mr. Landor's attempt to challenge the lockdown review board's decision through ARP.

Additionally, the commissioner noted that Mr. Landor failed to demonstrate a substantial right violation, finding that Mr. Landor's complaint regarding the conditions of confinement and the duration of his confinement on lockdown status did not evidence he suffered from an atypical and significant deprivation in relation to the ordinary incidents of prison life. See Sandin v. Conner, 515 U.S. 472, 485-486, 115 S. Ct. 2293, 2301, 132 L. Ed. 2d 418 (1995). Accordingly, the commissioner found that Mr. Landor failed to demonstrate that his confinement in lockdown resulted in a violation of his due process rights, and therefore, he failed to show entitlement to injunctive relief.

By judgment dated August 12, 2010, the district court judge issued a judgment in accordance with the commissioner's recommendation, denying Mr. Landor's request for judicial review and injunctive relief and dismissing the matter with prejudice.

After a thorough review of the record, we find no clear error or error of law in the reasoning and findings of the commissioner, and in accordance with Uniform Court of Appeal Rule 2-16.2A(4-8), we affirm the judgment of the district court, dismissing Mr. Landor's appeal.

AFFIRMED.