

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2011 CA 0507

RONALD DUGAS

VERSUS

E-Z DIGBY'S CANDY COMPANY, KEEFE SUPPLY COMPANY &
JOHN DOE

DATE OF JUDGMENT: NOV - 9 2011

ON APPEAL FROM THE NINETEENTH JUDICIAL DISTRICT COURT
NUMBER 594,115, DIV. 26, PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

HONORABLE KAY BATES, JUDGE

Ronald Dugas
Angola, Louisiana

Pro Se

William Kline
Baton Rouge, Louisiana

Counsel for Defendant-Appellee
Louisiana Department of Public Safety
and Corrections

BEFORE: WHIPPLE, KUHN, AND GUIDRY, JJ.

Disposition: AFFIRMED.

KUHN, J.

Petitioner-appellant, Ronald Dugas, an inmate in the custody of the Louisiana State Department of Public Safety and Corrections (DPSC), housed at the Louisiana State Penitentiary at Angola, appeals the district court's judgment, dismissing his claim without prejudice. We affirm.

Mr. Dugas filed a request for Administrative Remedy Procedure (ARP). In his request, Mr. Dugas stated that he suffered physical and psychological injuries upon eating cashews that were purchased from the Louisiana State Penitentiary Canteen Department. Mr. Dugas averred that the bag of cashews was contaminated with spider webs, spider cadavers, and spider eggs. He seeks monetary damages for physical and psychological injuries. On December 12, 2008, the DPSC denied Mr. Dugas's request, stating that no evidence was found during the investigation to support the allegations.

Thereafter, Mr. Dugas filed a petition in the Nineteenth Judicial District Court seeking judicial review of the administrative decision denying his relief. The commissioner issued a screening report, recommending that Mr. Dugas's appeal be dismissed without prejudice, noting that since the only relief sought was monetary damages for personal injuries, the suit was not properly before the district court for judicial review. The commissioner suggested that the appeal be dismissed without prejudice to allow Mr. Dugas to file an ordinary suit in the proper venue. By judgment dated November 29, 2010, the district court judge issued a judgment in accordance with the commissioner's recommendation.

After a thorough review of the record, we find no clear error of fact or law in the reasoning and findings of the commissioner. *See Pope v. State*, 99-2559,

pp. 9-10 (La. 6/29/01), 792 So.2d 713, 719 (claims for monetary damages for personal injuries arising in tort are properly heard under the district court's original jurisdiction); *see also* La. R.S. 15:1184(F) (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). Accordingly, we issue this summary opinion in accordance with URCA Rule 2-16.2A(4-8), affirming the judgment of the district court and dismissing his appeal. Appeal costs are assessed against petitioner-appellant, Ronald Dugas.

AFFIRMED.