

IN THE COURT OF APPEALS 4/22/97

OF THE

STATE OF MISSISSIPPI

NO. 95-CA-01245 COA

CARLOS THOMPSON

APPELLANT

v.

STEVE W. PUCKETT, EDWARD M. HARGETT, AND EARL JACKSON

APPELLEES

PER CURIAM AFFIRMANCE MEMORANDUM OPINION

THIS OPINION IS NOT DESIGNATED FOR PUBLICATION AND
MAY NOT BE CITED, PURSUANT TO M.R.A.P. 35-B

TRIAL JUDGE: HON. GRAY EVANS

COURT FROM WHICH APPEALED: SUNFLOWER COUNTY CIRCUIT COURT

ATTORNEY FOR APPELLANT:

PRO SE

ATTORNEYS FOR APPELLEES:

OFFICE OF THE ATTORNEY GENERAL BY: JAMES M. NORRIS

NATURE OF THE CASE: PRISONER COMPLAINT

TRIAL COURT DISPOSITION: COMPLAINT DISMISSED

BEFORE BRIDGES, C.J., HERRING, AND PAYNE, JJ.

PER CURIAM:

Carlos Thompson, an inmate in the custody of the Mississippi Department of Corrections, filed his *pro se* complaint in the Circuit Court of Sunflower County claiming he was entitled to a protective custody classification because he feared for his life. The record reveals that Thompson first sought relief from prison officials and he specifically named two inmates who were gang members who had threatened him. The prison's Administrative Remedy Program responded to Thompson's complaints and determined that he was not housed in the same unit as the two inmates that he designated were threats to his safety and that Thompson was allowed to place "Red Tags" on the named prisoners which "will prevent [Thompson] from being housed with either of them at any point in the future." Feeling aggrieved, Thompson sought judicial review in the Circuit Court of Sunflower County. The circuit court, referencing the report of the Administrative Remedy Program, determined that there was no merit to Thompson's complaint and dismissed the complaint.

Thompson appeals to this Court arguing that the circuit court erred in dismissing his complaint without a hearing. Thompson claims he is not protected from other inmates or gang members that will be housed in his unit because two inmates are housed in each cell.

The Mississippi Supreme Court recently held that classification is an administrative decision falling within the purview of the Mississippi Department of Corrections. *See Carson v. Hargett*, No. 95-CA-00578-SCT, 1997 WL 45333, at *2 (Miss. Feb. 6, 1997). We find that the circuit court correctly dismissed the complaint because Thompson had been granted the relief he sought. The report of the Administrative Remedy Program clearly indicates that prison officials have acted to preclude Thompson from being housed with the inmates about whom he complained. Thompson

has failed to demonstrate any further relief that either the circuit court or this Court could award. Accordingly, we find that the circuit court properly dismissed Thompson's appeal, and we affirm.

THE JUDGMENT OF THE CIRCUIT COURT OF SUNFLOWER COUNTY IS AFFIRMED. ALL COSTS OF THIS APPEAL ARE TAXED TO SUNFLOWER COUNTY.

BRIDGES, C.J., McMILLIN AND THOMAS, P.JJ., COLEMAN, DIAZ, HERRING, KING, PAYNE, AND SOUTHWICK, JJ., CONCUR. HINKEBEIN, J., NOT PARTICIPATING.