

NOT DESIGNATED FOR PUBLICATION

**STATE OF LOUISIANA
COURT OF APPEAL, THIRD CIRCUIT**

07-56

**HENRY GRAY
VERSUS
STATE OF LOUISIANA, ET AL.**

**APPEAL FROM THE
SEVENTH JUDICIAL DISTRICT COURT
PARISH OF CATAHOULA, NO. 23,375
HONORABLE LEO BOOTHE, DISTRICT JUDGE**

**JAMES T. GENOVESE
JUDGE**

Court composed of Michael G. Sullivan, Glenn B. Gremillion, and James T. Genovese, Judges.

**APPEAL DISMISSED. APPELLANT IS PERMITTED TO
FILE AN APPLICATION FOR SUPERVISORY WRITS.**

**Henry Gray
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PRO SE PLAINTIFF/APPELLANT:
Henry Gray**

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GENOVESE, Judge.

On January 24, 2007, this court issued a rule for the plaintiff-appellant, Henry Gray, to show cause, by brief only, why the instant appeal should not be dismissed as having been taken from a non-appealable, interlocutory order. For the reasons assigned below, we dismiss the appeal.

The pro se appellant filed a “Petition for Writ of Habeas Corpus” in district court against the “State of Louisiana Catahoula Correction Center Warden Ronnie Books & Capt. Little, Sgt. Atkins, Officer Ben Doe” on October 1, 2004. Thereafter, appellant filed a “Motion for Judgment on Offer of Judgment” on November 15, 2006. The motion sought damages for his personal property being taken, and included a copy of a letter from defense counsel offering a settlement in the amount of two hundred dollars. Following a hearing on December 4, 2006, the trial court denied the motion, and the appellant immediately made an oral Notice of Intent to Appeal/Seek Supervisory Writs. The trial court signed the written judgment on January 11, 2007. The record in this appeal was lodged in this court on January 17, 2007.

The judgment appealed, which denies the appellant’s motion for judgment on offer of judgment, does not decide the merits of this case and is interlocutory. La.Code Civ.P. art. 1841. Therefore, we hereby dismiss the instant appeal at appellant’s cost. Henry Gray, appellant is hereby permitted to file a proper application for writs in compliance with Uniform Rules—Courts of Appeal, Rule 4, no later than March 22, 2007. The appellant is not required to file a notice of intent to seek writs nor obtain an order setting a return date pursuant to Uniform Rules—Courts of Appeal, Rule 4–3 as we

hereby construe the motion for appeal as a timely filed notice of intent to seek a supervisory writ.

APPEAL DISMISSED. APPELLANT IS PERMITTED TO FILE AN APPLICATION FOR SUPERVISORY WRITS.