Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.

FILED
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APPELLANT *PRO SE*:

LOKMAR Y. ABDUL-WADOOD
Westville, Indiana

IN THE
COURT OF APPEALS OF INDIANA

LOKMAR Y. ABDUL-WADOOD,	)	
	)	
Appellant-Plaintiff,	)	
	)	
vs.	)	No. 46A03-0902-CV-66
	)	
S. NOWATZKE, and	)	
WCU TRUST FUND OFFICE,	)	
	)	
Appellees-Defendants.	)	

APPEAL FROM THE LaPORTE SUPERIOR COURT
The Honorable Jennifer L. Koethe, Judge
Cause No. 46D03-0812-MI-650

August 12, 2009

MEMORANDUM DECISION - NOT FOR PUBLICATION

BRADFORD, Judge

Appellant-Plaintiff Lokmar Abdul-Wadood, an inmate in the Indiana Department of Correction ("DOC"), appeals the dismissal of his civil rights complaint against S. Nowatzke, the Westville Control Unity Trust Fund Office ("the Defendants"). We affirm.

FACTS AND PROCEDURAL HISTORY

On December 23, 2008, Abdul-Wadood filed a complaint against the Defendants, claiming a civil rights violation relating to the Defendants' alleged deprivation of due process for taking money from Abdul-Wadod's trust account without his permission. On January 14, 2009, the trial court concluded that it lacked jurisdiction to hear the matter and dismissed Abdul-Wadood's complaint with prejudice on the grounds, *inter alia*, that Adul-Wadood had failed to exhaust his administrative remedies. This appeal follows.

DISCUSSION AND DECISION

Abdul-Wadood contends that the trial court erred when it dismissed his complaint on the grounds that he had not exhausted his administrative remedies. It is well-established that a claimant who has an administrative remedy available must pursue that remedy before being allowed access to the courts. *Higgason v. Lemmon*, 818 N.E.2d 500, 503 (Ind. Ct. App. 2004), *trans. denied*. A party's failure to exhaust administrative remedies deprives the trial court of subject matter jurisdiction. *Id.* Indiana Code section 34-13-3-7 (2008) provides, in pertinent part, as follows:

> An offender must file an administrative claim with the department of correction to recover compensation for the loss of the offender's personal property alleged to have occurred during the offender's confinement as a result of an act or omission of the department or any of its agents, former officers, employees, or contractors….

This policy avoids premature litigation, permits the compilation of an adequate record for judicial review, and affords agencies the opportunity and autonomy to correct their own errors. *Id.* at 503.

Here, although Abdul-Wadood asserts on appeal that he exhausted his administrative remedies when he filed a grievance with the DOC, there is nothing in the record to support he asserted this in his complaint. The appellate record filed by Abdul-Wadood does not contain a copy of the complaint Abdul-Wadood filed in this action. Without proper documentation in the record, we are unable to review Abdul-Wadood's claim and deem it waived. *See* Ind. Appellate Rule 46(A)(8)(a) (providing that appellant's argument must be supported by citations to relevant authorities and parts of the record relied upon).

The judgment of the trial court is affirmed.

CRONE, J., and BROWN, J., concur.