

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DARRELL MACK WALKER

CIVIL ACTION

VERSUS

NO. 07-7738

SERGEANT DAVID MOAK, SERGEANT
LARAMIE KING, LIEUTENANT WADE
RIGDON, CAPTAIN JEFF WILLIAMS

SECTION "C"(4)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file an objection to the Magistrate Judge's Report and Recommendation, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

IT IS ORDERED that the Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6) for Failure to Exhaust Administrative Remedies (Rec. Doc. No. 13) filed by the defendants, Sergeant David Moak, Captain Jeff Williams, and Lieutenant Wade Rigdon, is **DISMISSED** as moot.

IT IS FURTHER ORDERED that Darrell Mack Walker's Title 42 U.S.C. § 1983 complaint against the defendants, Sergeant David Moak, Sergeant Laramie King, Lieutenant Wade Rigdon, and Captain Jeff Williams, is **DISMISSED WITH ^{out} PREJUDICE** for failure to prosecute under Fed. R. Civ. P. 41(b).

New Orleans, Louisiana, this 22 day of October, 2008.


UNITED STATES DISTRICT JUDGE