

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JOHNNY WAYNE KITCHENS
VERSUS
WARDEN MAUER, ET AL.

CIVIL ACTION
NO. 08-0188
SECTION "B"(4)

O R D E R

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 Johnny Wayne Kitchens's 42 U.S.C. § 1983 complaint against the defendants, Warden Mauer and the St. Bernard Parish Prison, is **DISMISSED WITH PREJUDICE** for failure to prosecute under Fed. R. Civ. P. 41(b).

New Orleans, Louisiana, this 25th day of February, 2009.



UNITED STATES DISTRICT JUDGE