

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**ANTONIO TYSON**

**CIVIL ACTION**

**VERSUS**

**NO. 08-4445**

**ROBERT C. TANNER-WARDEN, ET AL.**

**SECTION "I"(4)**


**ORDER**

The Court, having considered the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the amended objection by plaintiff, Antonio Tyson, which is hereby **OVERRULED**, approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

**IT IS ORDERED** the Motion for Summary Judgment (Rec. Doc. No. 173) filed by the defendants, Warden Robert Tanner, former Warden Jeffrey Travis, Major Tim Crawford, and Captain Wade Rigdon, is **GRANTED**, and the claims brought pursuant to 42 U.S.C. § 1983 and state law by the plaintiff, Antonio Tyson, are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies as required by 42 U.S.C. § 1997e(a).

**IT IS FURTHER ORDERED** that Tyson's Motion for Counter-Defense (Rec. Doc. No. 167), Motion for Summary Judgment (Rec. Doc. No. 175), Motion to Compel (Rec. Doc. No. 184), Motion to Rule on Class-Action Certification (Rec. Doc. No. 186), and Amended Motion for Summary Judgment (Rec. Doc. No. 187) are **DENIED AS MOOT**.

New Orleans, Louisiana, this 14th day of March, 2011.

  
**LANCE M. AFRICK**  
**UNITED STATES DISTRICT JUDGE**