

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

RODERICK EARL JOHNSON

CIVIL ACTION

VERSUS

NO. 09-0120

**DEPARTMENT OF PUBLIC SAFETY
AND CORRECTIONS, ET AL.**

SECTION "J"(1)

ORDER

The Court, having considered the petition, the record, the applicable law and the Report and Recommendation of the United States Magistrate Judge, and the Plaintiff's **Objections** (Rec. Doc. 5) 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;

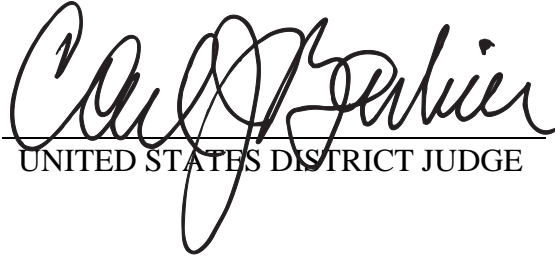
IT IS ORDERED that Plaintiff's **Objections** (Rec. Doc. 5) are hereby **OVERRULED**.

IT IS FURTHER ORDERED that Plaintiff's habeas corpus claim is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies.

IT IS FURTHER ORDERED that Plaintiff's claims pursuant to 42 U.S.C. § 1983 against the Louisiana Department of Public Safety and Corrections be **DISMISSED WITH PREJUDICE** as barred by the Eleventh Amendment.

IT IS FURTHER ORDERED that plaintiff's claims pursuant to 42 U.S.C. § 1983 against all other defendants be **DISMISSED WITH PREJUDICE** to their being asserted again until the Heck conditions are met.

New Orleans, Louisiana, this 12th day of February, 2009.


UNITED STATES DISTRICT JUDGE