

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JOHN WALTER RINKER

CIVIL ACTION

VERSUS

NO. 10-810

NEW ORLEANS DISTRICT ATTORNEY, ET AL.

SECTION: "C"(1)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Amended Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file an objection to the Magistrate Judge's Amended Report and Recommendation, hereby approves the Amended 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 federal *habeas corpus* claims are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies.

IT IS FURTHER ORDERED that plaintiff's 42 U.S.C. § 1983 claims are **DISMISSED WITH PREJUDICE** as frivolous, for failure to state a claim on which relief may be granted, and/or for seeking monetary damages against a defendant who is immune from such relief.

New Orleans, Louisiana, this 12 day of July, 2010.


UNITED STATES DISTRICT JUDGE