

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

ROOSEVELT PARKER

CIVIL ACTION

VERSUS

NO. 10-2800

STATE OF LOUISIANA

SECTION "T"(3)

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 plaintiff's 42 U.S.C. § 1983 claim is **DISMISSED WITH PREJUDICE** as frivolous and for otherwise failing to state a claim on which relief may be granted.

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

New Orleans, Louisiana, this 29th day of October, 2010.



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