

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DERRICK CARTER(#337492)  
VERSUS  
CORNEL HUBERT, ET AL.

CIVIL ACTION  
NUMBER 07-614-FJP-DLD

O P I N I O N

After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report to which an objection was filed:

IT IS ORDERED that the defendant's Motion for Summary Judgment shall be granted and the claims against Lt. Curtis shall be dismissed without prejudice for failure to exhaust available administrative remedies pursuant to 42 U.S.C. § 1997e(a), and with prejudice to refileing the claims in forma pauperis status.

IT IS ORDERED that this matter shall be referred back to the Magistrate Judge for further proceedings on the plaintiff's First Amendment claim against Maj. Donald Johnson, Lt. Patrick Cochran and Maj. Kenneth Stewart.

Baton Rouge, Louisiana, May 17, 2010.



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FRANK J. POLOZOLA  
MIDDLE DISTRICT OF LOUISIANA