

FILED
U.S. DIST COURT
MIDDLE DISTRICT OF LA
2009 MAY 14 P 2:10

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

REYNARD FRICK (#475403)

SIGN _____
BY DEPUTY CLERK

VERSUS

CIVIL ACTION NO.: 07-779-JVP-DLD

STATE OF LOUISIANA, ET AL

RULING

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Dalby dated April 17, 2009 (doc. 45). Plaintiff has filed an objection which merely restates legal argument and does not require *de novo* factual findings under 28 U.S.C. § 636.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the defendant's motion to dismiss is **GRANTED** and this action shall be **DISMISSED**. The claims against Capt. Brown and Classification Director Beal shall be **DISMISSED** for failure to prosecute pursuant to Rule 4(m), Fed.R.Civ.P.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, May 14th, 2009.

JAMES J. BRADY
U.S. D.J.
For _____
JOHN V. PARKER
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA