

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ALFRED RICARD

VERSUS

BURL CAIN, ET AL

CIVIL ACTION

NO. 08-161-C

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 Christine Noland dated December 10, 2009. Plaintiff has filed an objection which the court has considered.

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

Accordingly, the petitioner is granted a period of 20 days within which to amend his petition to delete those claims which have not been previously presented to the state court. Further, this matter is referred back to the United States Magistrate Judge for further proceedings.

Failure to amend the petition within the time allowed may result in the dismissal of the entire petition for failure to exhaust state court remedies with regard to all of the petitioner's claims.

Baton Rouge, Louisiana, February 18, 2010.



RALPH E. TYSON, CHIEF JUDGE,
MIDDLE DISTRICT OF LOUISIANA