

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

STEPHEN LOEBER(#87251)

CIVIL ACTION

VERSUS

NUMBER 08-346-FJP-DLD

WARDEN STEVE RADER

O P I N I O N

This matter is before the Court on remand from the Fifth Circuit Court of Appeals to determine whether plaintiff timely filed a notice of appeal.

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, the Court certifies to the United States Court of Appeals for the Fifth Circuit that the petitioner has failed to show that he placed his notice of appeal into the prison's internal mail system on or before June 16, 2010.

Therefore:

The Clerk of Court for the Middle District of Louisiana shall file a copy of the Court's opinion, the Magistrate Judge's Report and plaintiff's opposition thereto with the Clerk of Court for the Fifth Circuit Court of Appeals.

Baton Rouge, Louisiana, September 15, 2010.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA

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