

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

SYLVESTER MEAD

VERSUS

CIVIL ACTION NO.: 08-672-JVP-CN

BURL CAIN, 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 Christine Noland dated May 21, 2010 (doc. 120). 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, plaintiff's motions for summary judgment (docs. 106 and 108) are hereby **DENIED**. Further, the defendant's motion for summary judgment (doc. 109) is hereby **GRANTED**, dismissing plaintiff's claims asserted against Dr. Jonathan Roundtree for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e, and this action shall be **DISMISSED, without prejudice**.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, June 23, 2010.

  
\_\_\_\_\_  
RALPH E. TYSON, CHIEF JUDGE  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA