

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST. COURT
MIDDLE DISTRICT OF LA

2009 APR -8 P 3:59

ROBERT JOSEPH MCCAFFERTY (#355140)

VERSUS

CIVIL ACTION
BY DEPUTY CLERK

NO. 09-134-JJB-DLD

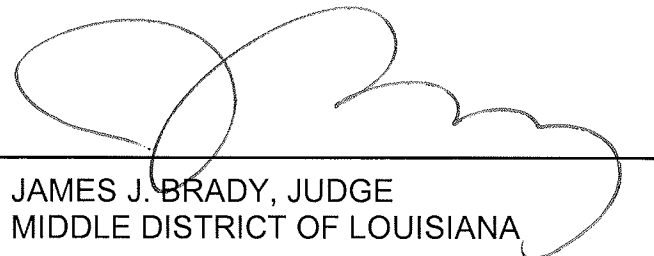
DIXON CORRECTIONAL INSTITUTE, ET AL.

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 Docia L. Dalby dated March 10, 2009 (doc. no. 4). The plaintiff filed an objection and it has been duly considered by the court.

The court hereby approves the report and recommendation of the Magistrate Judge and adopts it as the court's opinion herein. Accordingly, the plaintiff's claims against Dixon Correctional Institute, Louisiana Department of Public Safety and Corrections Secretary James LeBlanc, Warden Steve Rader, Sgt. Jonetha Causey and Capt. Ricky Williams is DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i) and (iii) and this action is referred back to the magistrate judge for further proceedings on the plaintiff's retaliation claim against Lt. Eckart.

Baton Rouge, Louisiana, this 8th day of April, 2009.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA