

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FILED  
2009 JUN 26 P 2:24

WALTER EDWARD JOHNSON, JR. (#104558)

VERSUS

CIVIL ACTION

JOE LAMARTINIERE, ET AL

NUMBER 09-176-JVP-DLD

**RULING**

A magistrate judge's report was submitted to the district judge recommending that the plaintiff's complaint be dismissed as frivolous.

On June 22, 2009, the plaintiff amended the complaint to allege that on May 25, 2007, he was injured when the transport vehicle in which he was a passenger negligently struck a perimeter post during a single vehicle collision. Plaintiff alleged that Master Sgt. J. Bolden, the correctional officer operating the vehicle, has demonstrated religious intolerance towards Muslim inmates which the plaintiff attributed to Bolden's service in the United States military. Plaintiff alleged that Bolden transported too many inmates in one vehicle to discriminate against inmates who practice Islam.

For the reasons set forth in the Magistrate Judge's Report, the claims raised in the amended complaint shall be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

The court, having carefully considered the original and

amended complaints, the record, the law applicable to this action, and the Report and Recommendation of the United States Magistrate Judge Docia L. Dalby dated May 27, 2009, to which no objection has been filed, hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion.

Accordingly, the plaintiff's complaint, as amended, shall be **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, June 26, 2009.

  
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RALPH E. TYSON, CHIEF JUDGE  
MIDDLE DISTRICT OF LOUISIANA