

FILED  
U.S. DIST COURT  
MIDDLE DIST. OF LA  
2009 AUG 11 P 2:23

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ROBERT JACKSON (#109827)

VERSUS

CIVIL ACTION NO.: 09-358-JVP-CN

KEVIN BENJAMIN, 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 July 16, 2009 (doc. 5). 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, this action shall be **DISMISSED**, without prejudice, as a result of plaintiff's failure to exhaust administrative remedies mandated by 42 U.S.C. .2 1997e.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, August 11, 2009.

  
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JOHN V. PARKER  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA