

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DIST COURT  
MIDDLE DISTRICT OF LA  
2009 SEP -1 P 2:16

DALE R. MILLER (#479248)

VERSUS

BURL CAIN, ET AL

CIVIL ACTION  
BY DEPUTY CLERK  
NO. 09-416-JJB-SCR

**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 Steven C. Riedlinger dated August 4, 2009 (doc. no. 13). The plaintiff has filed an objection which merely restates his prior arguments and has been duly considered.

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 complaint is DISMISSED without prejudice for failure to exhaust available administrative remedies pursuant to 42 U.S.C. § 1997e(a), and with prejudice to refiling them in forma pauperis status.

Baton Rouge, Louisiana, this 31<sup>st</sup> day of August, 2009.



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JAMES J. BRADY, JUDGE  
MIDDLE DISTRICT OF LOUISIANA