

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

PHILLIP CLARK (#107322)

CIVIL ACTION

VERSUS

NO. 09-718-JJB-CN

WARDEN 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 August 25, 2011 (doc. no. 12) to which no objection has been filed.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, the defendants' Motion for Summary Judgment (doc. no. 11) is GRANTED, dismissing the plaintiff's claims asserted against the defendants, without prejudice, for failure to exhaust administrative remedies as mandated by 42 U.S.C. §1997e, but with prejudice to his refiling of the same claim or claims in forma pauperis.

Baton Rouge, Louisiana, September 14, 2011.



JAMES J. BRADY, JUDGE  
MIDDLE DISTRICT OF LOUISIANA