

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MICHAEL CAPELLO (#129409)
A/K/A MICHAEL WAYNE TURNER

VERSUS

HOWARD PRINCE, WARDEN, ET AL

CIVIL ACTION


NO. 09-793-C

RULING

The court, after carefully considering the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Docia L. Dalby dated October 6, 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 herein.

Accordingly, the plaintiff's action will be dismissed, without prejudice to any rights he may have to pursue habeas corpus relief in a separate proceeding.

Baton Rouge, Louisiana, February 10, 2010.



RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA