

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

RODNEY HAMILTON (#87047)

VERSUS

CIVIL ACTION

BOBBY JINDAL, ET AL

NUMBER 09-847-JJB-SCR

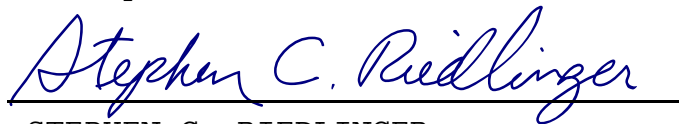
**NOTICE**

Please take notice that the attached Magistrate Judge's Report has been filed with the Clerk of the U. S. District Court.

In accordance with 28 U.S.C. § 636(b)(1), you have 14 days after being served with the attached report to file written objections to the proposed findings of fact, conclusions of law, and recommendations set forth therein. Failure to file written objections to the proposed findings, conclusions and recommendations within 14 days after being served will bar you, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the District Court.

ABSOLUTELY NO EXTENSION OF TIME SHALL BE GRANTED TO FILE WRITTEN OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT.

Baton Rouge, Louisiana, February 10, 2010.



STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE

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SUPPLEMENTAL MAGISTRATE JUDGE'S REPORT

A magistrate judge's report was issued on January 8, 2010, record document number 7, recommending that the plaintiff's complaint be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i). On January 25, 2010, the plaintiff filed an objection to the magistrate judge's report.<sup>1</sup>

On February 9, 2010, the plaintiff filed, without leave of court, a second amended complaint in which he dismissed both his claim against Gov. Jindal and his claim for damages.

Plaintiff alleged that he is serving a life sentence and has been denied the opportunity to earn good time credits in violation of his constitutional rights.

Plaintiff's claim regarding denial of good time credits must initially be pursued through habeas corpus since it challenges the duration of confinement, the resolution of which may entitle him to immediate or early release. *Serio v. Members of La. State Bd. of Pardons*, 821 F.2d 1112 (5th Cir. 1987).

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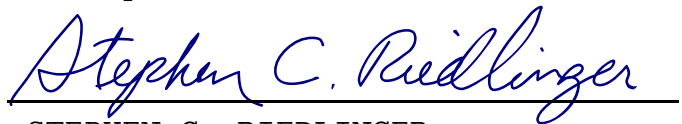
<sup>1</sup> Record document number 8.

For the reasons set forth in the magistrate judge's report issued January 8, 2010, as supplemented herein, the plaintiff's claim has no arguable basis in fact or in law and the complaint should be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

RECOMMENDATION

It is the recommendation of the magistrate judge that the plaintiff's complaint as supplemented and amended, be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

Baton Rouge, Louisiana, February 10, 2010.



STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE