

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RANDY MCDONALD (#452858)

VERSUS

BURL CAIN, WARDEN, ET AL

CIVIL ACTION

NO. 09-850-C

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 January 26, 2010. Plaintiff has filed an objection which the court has considered.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, this action will be dismissed, without prejudice, as a result of the plaintiff's failure to exhaust administrative remedies as mandated by 42 U.S.C. § 1997e, but with prejudice to his refiling the same claim in forma pauperis.

Baton Rouge, Louisiana, March 4, 2010.



RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA