

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

GREGORY BROWN
VERSUS
BURL CAIN

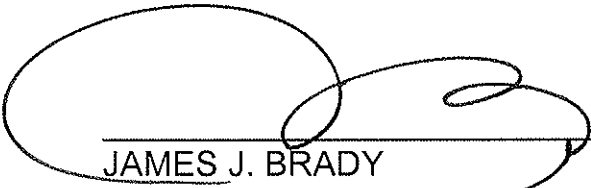
CIVIL ACTION
NO. 09-924-JJB-CN

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 February 22, 2011 (doc. no. 41) 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 State of Louisiana's procedural objections relating to the claims that were asserted in petitioner's "proffer" filed in state court on March 11, 2008 are without merit and the State is ordered to respond to the merits of those claims, except for petitioner's claim that a non-unanimous verdict violated his constitutional rights.

Baton Rouge, Louisiana, this 31st day of March, 2011.



JAMES J. BRADY
UNITED STATES DISTRICT JUDGE