

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

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

CIVIL ACTION

VERSUS

NO. 10-0041-FJP-DLD

VA. DEPARTMENT OF PROB./PAROLE, ET AL.

O P I N I O N

After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report to which no objection was filed:

IT IS ORDERED that the plaintiff's action shall be dismissed as legally frivolous, without prejudice to any rights he may have to pursue habeas corpus relief in a separate proceeding.¹

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, July 15, 2010.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA

¹ Note that 28 U.S.C. § 1915(g) provides that, "[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury."