

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RANDELL ORANGE (#447630)

VERSUS

DEPARTMENT OF CORRECTIONS, ET AL.

CIVIL ACTION

NO. 10-180-JJB-DLD

CONSOLIDATED WITH:

RANDELL ORANGE (#447630)

VERSUS

DEPARTMENT OF CORRECTIONS, ET AL.

CIVIL ACTION

NO. 10-259-JJB-DLD

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 Docia L. Dalby dated April 21, 2010 (doc. no. 5). The plaintiff filed an objection which merely restates his prior argument and has been duly considered.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, the plaintiff's action is DISMISSED as frivolous and for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e), with prejudice to being asserted again until the conditions set forth in Heck v. Humphrey, supra, are met. See, e.g., Johnson v. McElveen, 101 F.3d 423 (5th Cir. 1997).

Baton Rouge, Louisiana, this 26th day of May, 2010.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA