

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

EMILE MATTHEWS (#431418)

VERSUS

N. BURL CAIN, ET AL.

CIVIL ACTION

NO. 10-206-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 Dacia L. Dalby dated October 15, 2012 (doc. no. 32) 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, this matter is certified to the United States Court of Appeals for the Fifth Circuit that the petitioner failed to place his Notice of Appeal into the prison's internal mail system on or before April 9, 2012.

Baton Rouge, Louisiana, this 13<sup>th</sup> day of December, 2012.



JAMES J. BRADY  
UNITED STATES DISTRICT JUDGE