

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**

**DWIGHT BACON**

**CIVIL ACTION NO. 10-342**

**VERSUS**

**JUDGE TRIMBLE**

**STATE OF LOUISIANA, ET AL.**

**MAGISTRATE JUDGE KIRK**

**J U D G M E N T**

Plaintiff’s above-captioned civil rights suit was dismissed pursuant to the report and recommendation of the magistrate judge on May 18, 2011.<sup>1</sup> Plaintiff filed a motion for extension of time, which the court construed as a motion for reconsideration based on plaintiff’s averment that he was evacuated from Louisiana State Penitentiary at Angola, Louisiana due to the rising waters of the Mississippi River on or about May 12, 2011.<sup>2</sup> The court granted plaintiff’s motion and, in order that plaintiff be allowed to file objections in this matter, vacated its prior judgment dismissing plaintiff’s claims.<sup>3</sup>

Plaintiff filed his objections within the delay granted by the court’s order and the court has now reviewed these objections in conjunction with the remainder of the record, including the report and recommendation of the magistrate judge, now pending. The court finds that the report and recommendation of the magistrate judge is correct under applicable law and jurisprudence. Therefore, it is hereby

**ORDERED, ADJUDGED and DECREED** that plaintiff’s claims against defendants in the above-captioned suit are **DENIED** and **DISMISSED** with prejudice.

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<sup>1</sup> R. 29.

<sup>2</sup> R. 30.

<sup>3</sup> R. 33.

**THUS DONE AND SIGNED** in chambers at Alexandria, Louisiana this 31<sup>st</sup> day of ~~September~~<sup>August</sup>, 2011.

  
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**JAMES T. TRIMBLE, JR.**  
**UNITED STATES DISTRICT JUDGE**