

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ANDREW WEARY (#100956)

VERSUS

WARDEN N. BURL CAIN, ET AL.

CIVIL ACTION

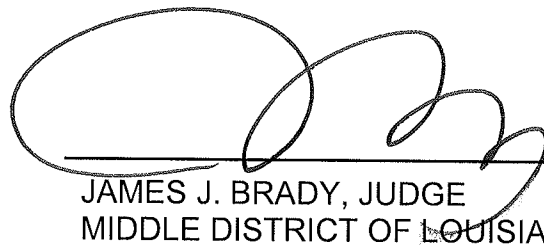
NO. 10-577-JJB-DLD

**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 November 3, 2010 (doc. no. 4). The plaintiff has filed an objection to the report 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 within the meaning of 28 U.S.C. § 1915(e).

Baton Rouge, Louisiana, this 20 day of December, 2010.

  
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JAMES J. BRADY, JUDGE  
MIDDLE DISTRICT OF LOUISIANA