

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MANUEL PLAISANCE (#196480)

CIVIL ACTION

VERSUS

JAMES LeBLANC, ET AL

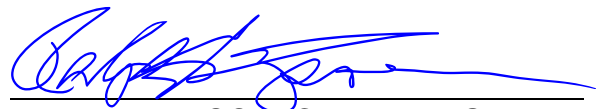
NO. 10-602-RET

RULING

The court, after carefully considering the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Stephen C. Riedlinger dated March 28, 2011, to which no objection has been filed, hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the plaintiff's claims asserted against Warden Calvert will be dismissed for failure of the plaintiff to serve this defendant within 120 days as mandated by Rule 4(m) of the Federal Rules of Civil Procedure. Further, the defendants' Motion to Dismiss, rec.doc.no. 9, will be granted, dismissing the plaintiff's claims asserted against the remaining defendants, with prejudice, and that this action will be dismissed.

Baton Rouge, Louisiana, June 6, 2011.



RALPH E. TYSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA