

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

SYLVESTER TRACKLING (#117085)

CIVIL ACTION

VERSUS

NUMBER 10-754-FJP-SCR

SGT. FLOYD SIMS

O P I N I O N

After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report to which an objection was filed:

IT IS ORDERED that the plaintiff's complaint shall be dismissed as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B), or alternatively for failure to allege a physical injury pursuant to 42 U.S.C. § 1997e(e) and without leave to amend.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, December 1, 2010.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA