

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

SYLVESTER TRACKLING (#117085)

VERSUS

SGT. FLOYD SIMS

CIVIL ACTION

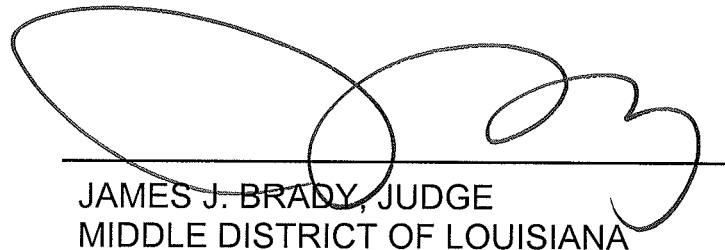
NO. 10-784-JJB-SCR

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 Steven C. Riedlinger dated December 6, 2010 (doc. no. 4). The plaintiff has filed an objection 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 complaint is 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.

Baton Rouge, Louisiana, this 11th day of January, 2011.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA