

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

CARLTON TURNER (#372940)

CIVIL ACTION

VERSUS

NO. 11-29-JJB-CN

HOWARD PRINCE, ET AL.

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 Christine Noland dated August 25, 2011 (doc. no. 25) to which no objection has been filed.

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 claims asserted against defendants Matthew Gamble and Sanket Veas are DISMISSED for failure of the plaintiff to serve these defendants within 120 days as mandated by Rule 4(m) of the Federal Rules of Civil Procedure. Further, the plaintiff's Motion for Summary Judgment (doc. no. 19) is DENIED, and the defendant's Motion for Summary Judgment (doc. no. 18) is GRANTED, dismissing the plaintiff's claims asserted against the defendant, without prejudice, for failure to exhaust administrative remedies as mandated by 42 U.S.C. § 1997e, but with prejudice to his refiling of the same claim or claims in forma pauperis.

Baton Rouge, Louisiana, September 14, 2011.



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JAMES J. BRADY, JUDGE  
MIDDLE DISTRICT OF LOUISIANA