

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

VERNON MITCHELL (25649)

VERSUS

CAPTAIN MATT REED, ET AL

CIVIL ACTION

NO. 11-317-BAJ-DLD

**RULING AND
ORDER OF DISMISSAL**

The Court, having carefully considered the petition, the motion, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Docia L. Dalby dated May 15, 2012 (doc. 23), and plaintiff's objection thereto filed May 24, 2012 (doc. 24), hereby approves the report and recommendation of the magistrate judge and adopts it as the Court's opinion herein.

Accordingly, **IT IS ORDERED** that plaintiff's claims asserted against defendants Matt Reed and L. Marshall 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.

IT IS FURTHER ORDERED that the motion for summary judgment of the remaining defendants (doc. 21) is granted, dismissing the plaintiff's claims, without prejudice, for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e,

but with prejudice to the plaintiff's right to assert the same claim or claims in forma pauperis.

Baton Rouge, Louisiana, May 30, 2012.

A handwritten signature in black ink, appearing to read "Brian A. Jackson", written over a horizontal line.

BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA