

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ANDREW "MONTRELL" HARVEY, JR. (#333659)

CIVIL ACTION

VERSUS

NO. 11-456-BAJ-DLD

ATTORNEY GENERAL JAMES D.
"BUDDY" CALDWELL, ET AL

**RULING AND
ORDER OF DISMISSAL**

The Court, having carefully considered 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 3, 2012 (doc. 17), 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, **IT IS ORDERED** that defendants' motion to dismiss (doc. 16) is granted, dismissing the plaintiff's claims, without prejudice, for failure to exhaust administrative remedies as mandated by 42 U.S.C. § 1997e, but with prejudice to the plaintiff's assertion of the same claim or claims in forma pauperis.

Baton Rouge, Louisiana, May 30, 2012.

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