

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ANTHONY SMITH (433385)

CIVIL ACTION

VERSUS

NO. 11-571-BAJ-DLD

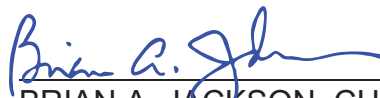
LOUISIANA STATE PENITENTIARY, ET AL

**RULING AND
ORDER OF DISMISSAL**

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 Docia L. Dalby dated September 2, 2011, 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 plaintiff's action is dismissed, without prejudice, for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e, but with prejudice to his refiling of the same claim or claims in forma pauperis.

Baton Rouge, Louisiana, September 30, 2011.



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