

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MICHAEL J. GAVIN (#9000116394)

CIVIL ACTION

VERSUS

NO. 11-704-FJP-DLD

RICHARD MOORE, ET AL

O P I N I O N

After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report¹ to which an objection² was filed:

IT IS ORDERED that the plaintiff's action is dismissed as legally frivolous and for failure to state a claim upon which relief may be granted within the meaning of 28 U.S.C. § 1915(e).³

Baton Rouge, Louisiana, February 23, 2012.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA

¹Rec. Doc. No. 4.

²Rec. Doc. No. 5.

³The plaintiff is hereby placed on notice that 28 U.S.C. § 1915(g) provides that, "[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury."