

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ROY WILLIAMS (#343533)

CIVIL ACTION

VERSUS

NO. 11-769-FJP-SCR

MAJ. FRANKLIN, 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 Report<sup>1</sup> to which an objection<sup>2</sup> was filed:

IT IS ORDERED that plaintiff's unfair disciplinary claim is dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i), and plaintiff's excessive force claims are dismissed without prejudice for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e(a), and with prejudice to refiling them in forma pauperis status.<sup>3</sup>

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<sup>1</sup>Rec. Doc. No. 6.

<sup>2</sup>Rec. Doc. No. 7.

<sup>3</sup>*Underwood v. Wilson*, 151 F.3d 292, 296 (5th Cir. 1998) (abrogated in part by *Jones v. Bock*, 549 U.S. 199, 127 S.Ct. 910 (2007) (abrogating the holding that a district court may dismiss

Therefore:

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, January 18, 2012.



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FRANK J. POLOZOLA  
MIDDLE DISTRICT OF LOUISIANA

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a civil complaint *sua sponte* for failure to exhaust).

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