

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JAUVE COLLINS (#551251)

VERSUS

CIVIL ACTION

TRISH FOSTER

NUMBER 13-232-BAJ-SCR

**RULING ON MOTIONS TO PROVE  
EXHAUSTION OF ADMINISTRATIVE REMEDIES**

Before the court is the plaintiff's Motion to Prove That Plaintiff Had Exhausted His Administrative Remedies, his Motion for Leave to Addendum Evidence to Motion to Prove That Plaintiff Had Exhausted His Administrative Remedies, and a Motion to Expand the Record and Amend Motion to Prove That Plaintiff Had Exhausted His Administrative Remedies. Record document numbers 5, 6, and 8, respectively.

Considered collectively, the plaintiff seeks to file documents in the record to establish that prison officials failed to timely respond to his request for administrative relief, and as a result his administrative grievance is deemed exhausted.

On April 12, 2013, the Louisiana Department of Corrections was ordered to file with the court a certified copy of the entire record of the administrative proceeding and/or disciplinary appeal record including LSP-2012-3195.<sup>1</sup> On May 1, 2013, the Louisiana Department of Corrections filed a certified copy of LSP-2012-

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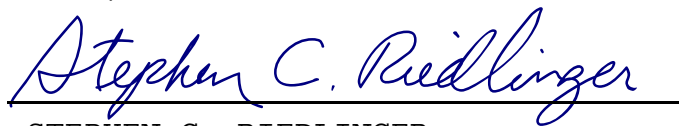
<sup>1</sup> Record document number 4.

3195.<sup>2</sup>

A hearing pursuant to *Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985), has already been scheduled for July 23, 2013.<sup>3</sup> However, exhaustion of available administrative remedies pursuant to 42 U.S.C. § 1997e(a) is not an issue presently before the court.

Accordingly, the plaintiff's Motion to Prove That Plaintiff Had Exhausted His Administrative Remedies, Motion for Leave to Addendum Evidence to Motion to Prove That Plaintiff Had Exhausted His Administrative Remedies, and Motion to Expand the Record and Amend Motion to Prove That Plaintiff Had Exhausted His Administrative Remedies, record document numbers 5, 6, and 8, respectively, are denied without prejudice to these matters being addressed at the *Spears* hearing if necessary.

Baton Rouge, Louisiana, June 4, 2013.



STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE

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<sup>2</sup> Record document number 7.

<sup>3</sup> Record document number 9.