UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

WILLIAM THATCHER DUNWOODY **CIVIL ACTION NO. 1:09-cv-00937**

-vs- **JUDGE DRELL**

D. B. DREW, et al. **MAGISTRATE JUDGE KIRK**

ORDER

We have considered the Report and Recommendation (Document No. 8) and the objections (Document Nos. 9 and 10, called "Motion for Reconsideration" and "Appeal," respectively) in this case. The Report and Recommendation is not adopted at this time.

The objections attach documents which should have been previously submitted. Because Petitioner is a *pro se* inmate, however, we construe his filings liberally. At this juncture, the case is REFERRED back to Magistrate Judge James D. Kirk for further consideration, because: (1) the filings appear to reflect a suit filing date in 2008, well within the one-year limitations period; and (2) the filings also appear to document the loss of twenty (20) days of good time for an event in 2006.

We cannot say at this point that the claim is frivolous until the actual facts are established for the record. Neither do we necessarily suggest that the loss of twenty (20) days good time for helping another escape is not part of an appropriate sanction. We will await a Supplemental Report and Recommendation before deciding this determinative issue.

SIGNED on this 31st day of December, 2009, at Alexandria, Louisiana.

DEE D. DRELL
UNITED STATES DISTRICT JUDGE