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JAN - 7 2013

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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANAUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

IMADE ANTHONY OSARINMWIAN

CIVIL ACTION NO. 12-2237

VERSUS

JUDGE TRIMBLE

ERIC H. HOLDER, JR., ET AL.

MAGISTRATE JUDGE KIRK

J U D G M E N T

Before the court is the report and recommendation of the magistrate judge, issued on October 3, 2012 in the above-captioned Bivens action.¹ The report and recommendation recommends denial of plaintiff's two (2) motions to stay² and dismissal with prejudice of plaintiff's claims against all defendants on the basis that plaintiff admits that he did not exhaust administrative remedies as to his claim before the filing of this suit. Plaintiff objects to the proposed findings of the magistrate judge, asserting that to dismiss his claims without prejudice would be an injustice because he has no training in the law.³ Since the issuance of the report and recommendation, plaintiff has also filed motions to preserve evidence and for disclosure of evidence.⁴ Plaintiff has also recently filed an "Amendment to the Plaintiff /sic/ Motion for Continuance[.]"⁵

After thoroughly reviewing the entire record in this case, including the plaintiff's objections to the report and recommendation at issue, the court finds that the proposed findings

¹ R. 21.² R. 14, 15.³ R. 27.⁴ R. 25, 26.⁵ R. 30.

of the magistrate judge are entirely correct under applicable law and jurisprudence and, therefore, should be adopted in full. Accordingly, it is hereby

ORDERED, ADJUDGED and DECREED that plaintiff's three (3) motions to stay⁶ this case are **DENIED**. It is further

ORDERED, ADJUDGED and DECREED that plaintiff's claims against all defendants in the above-captioned case are **DENIED and DISMISSED** without prejudice for failure to exhaust administrative remedies prior to suit. Based on these findings, it is further

ORDERED that plaintiff's motions for preservation and disclosure of evidence are **DENIED as MOOT**.

THUS DONE AND SIGNED in chambers at Alexandria, Louisiana this 7th day of January, 2013.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE

⁶ R. 14, 15, 30.