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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

BRYAN LOWE

DOCKET NO. 2:08CV-674

VERSUS

JUDGE MINALDI

WARDEN, C. PAUL PHELPS
CORRECTIONAL CENTER
A/K/A ROBERT HENDERSON

MAGISTRATE JUDGE KAY

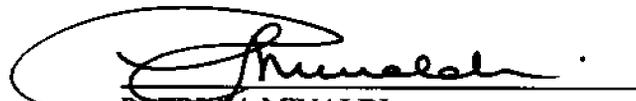
MEMORANDUM RULING

Currently before the court is the petitioner's "Response," which is being considered as an Objection to the Report and Recommendation issued by the Magistrate Judge.

The Magistrate Judge recommends that the petitioner's habeas suit be dismissed as moot as the petitioner is no longer in custody. Lowe requests that this case not be dismissed as he believes that his civil rights have been violated. He seeks monetary damages and termination of his parole. Because the defendant is no longer in custody, his habeas action will be dismissed. The further remedies that the petitioner seeks, if viable, should be raised in a separate action pursuant to 42 U.S.C. §1983. A habeas suit is an inappropriate vehicle for these remedies.

Accordingly, the petitioner's objections ARE OVERRULED and the habeas will be dismissed in accord with the Magistrate Judge's recommendation.

Lake Charles, Louisiana, this 21 day of April, 2009.


PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE