

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAKE CHARLES DIVISION**

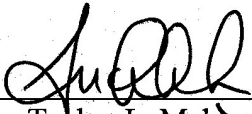
**DAVID E. KATES** : **CIVIL ACTION NO. 09-1447-LC**  
**VS.** : **JUDGE MELANÇON**  
**LT. MICIELI, ET AL.** : **MAGISTRATE JUDGE HILL**

**JUDGMENT**

There being no objection to the proposed findings of fact and conclusions of law in the Report and Recommendation of the Magistrate Judge previously filed herein these findings and conclusions are accepted. Alternatively, this court concludes that the proposed findings and conclusions are entirely correct. Accordingly, it is

ORDERED that plaintiff's civil rights complaint be **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B).

THUS DONE AND SIGNED in Chambers at Lafayette, Louisiana, this 23<sup>rd</sup> day of February, 2011.

  
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Tucker L. Melançon  
UNITED STATES DISTRICT JUDGE