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WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

KENNITH W. MONTGOMERY
#54338

CIVIL ACTION NO. 12-2510
SECTION P

VS.

TONY MANCUSO, ET AL

JUDGE TRIMBLE
MAGISTRATE JUDGE KAY

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record and a *de novo* determination of the issues, and consideration of the objections filed herein, and having determined that the findings are correct under applicable law;

IT IS ORDERED that plaintiff's civil rights action is **DISMISSED WITH PREJUDICE**, as frivolous and for failing to state a claim on which relief may be granted pursuant to the provisions of 28 U.S.C.1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

IT IS FURTHER ORDERED that the Clerk shall provide a copy of this order by regular mail, facsimile transmission, or e-mail to: (1) the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Ms. Betty Parker.

THUS DONE AND SIGNED, in chambers, in Lake Charles, Louisiana, on this the

28th day of August, 2013.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE