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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

JACKIE REYNOLDS

CIV. A. NO. 09-1077

VERSUS

JUDGE ROBERT G. JAMES

WARDEN NEWCOMER, ET AL.

MAG. JUDGE KAREN L. HAYES

RULING

Pending before the Court is Plaintiff Jackie Reynolds' ("Reynolds") civil rights complaint. On December 21, 2009, Magistrate Judge Karen L. Hayes issued a Report and Recommendation [Doc. No. 30], recommending that his complaint be dismissed with prejudice as frivolous and for failure to state a claim upon which relief can be granted.

Rather than file objections to Magistrate Judge Hayes' Report and Recommendation, Reynolds filed a Motion to Dismiss [Doc. No. 31] his case, stating only that he moves the Court "to 'Dismiss' this lawsuit [sic]."

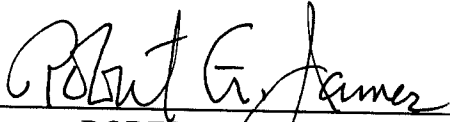
This is not the first time the Court has been faced with a prisoner who seeks to dismiss his case after an unfavorable report and recommendation has issued. It is the opinion of this Court that prisoners should not be allowed to violate the spirit, if not the letter, of the Prison Litigation Reform Act ("PLRA"), 28 U.S.C. § 1915, by tactics such as this. *See Latson v. Johnson*, Civil Action No. 08-1962, 2009 WL 2824874 (W.D. La. Sept. 2, 2009) (citing *Stone v. Smith*, No. CV608-088, 2009 WL 368620 (S.D. Ga. Feb. 13, 2009)).

The Court has considered and ADOPTS the Magistrate Judge's Report and Recommendation [Doc. No. 30]. The Court finds that Reynolds has failed to state a claim as a

matter of law, and his claims are DISMISSED WITH PREJUDICE.

Based on the foregoing, Reynolds' voluntary Motion to Dismiss [Doc. No. 31] is DENIED AS MOOT.

MONROE, LOUISIANA, this 19 day of January, 2010.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE