

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
WESTERN DIVISION

FREDERICK BANKS

PETITIONER

VERSUS

CIVIL ACTION NO. 5:09cv194-DCB-MTP

K. EVERETT, et al.

DEFENDANTS

**FINAL JUDGMENT**

This cause is before the Court, sua sponte, for consideration of dismissal. Pursuant to the memorandum opinion and order issued this day, it is hereby, ORDERED AND ADJUDGED that this cause filed pursuant to 28 U.S.C. § 2241 be dismissed without prejudice so that the petitioner can pursue his claims concerning the incident reports #1867076, #1746930 and #1724342 in a non-habeas civil action and pursue his claims relating to his RRC placement in *Banks v. Pearson*, 5:09cv148-DCB-MTP consolidated with *Banks v. Everett*, civil action 5:09cv174-DCB-MTP.

SO ORDERED AND ADJUDGED, this the 8th day of February, 2010.

s/David Bramlette

UNITED STATES DISTRICT JUDGE