

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

PAUL JOSEPH WEIR (#129806)

CIVIL ACTION

VERSUS

NO. 10-0191-FJP-CN

WARDEN N. BURL CAIN, ET AL.

O P I N I O N

After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report¹ to which no objection was filed:

IT IS ORDERED that the defendants' motion to dismiss² be granted, dismissing all of plaintiff's claims asserted against the moving defendants (except the claim of excessive force asserted against defendant Stevens), with prejudice, for failure of the plaintiff to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED that plaintiff's claims asserted against defendant Curtis Thurman be dismissed for the same reason pursuant to 42 U.S.C. § 1915(e) and 1915A.

IT IS FURTHER ORDERED that the plaintiff's motion for summary

¹Rec. Doc. No. 37.

²Rec. Doc. No. 34.

judgment³ is denied. The motion for summary judgment of defendant James Stevens⁴ is granted, dismissing plaintiff's claim of excessive force asserted against this defendant with prejudice.

Therefore:

This entire action is dismissed. Judgment shall be entered accordingly.

Baton Rouge, Louisiana, January 9, 2012.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA

³Rec. Doc. No. 33.

⁴Rec. Doc. No. 35.