

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MICHAEL BIRKLETT (#401459)

CIVIL ACTION

VERSUS

NO. 10-0838-FJP-DLD

WARDEN N. BURL CAIN, ET AL.

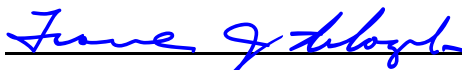
O P I N I O N

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 is granted, only to the extent that it seeks dismissal of the plaintiff's claim for monetary damages asserted against the defendants in their official capacities.

This action shall be referred back to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, November 17, 2011.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA

¹Rec. Doc. No. 34.

²Rec. Doc. Nos. 11 & 25.