

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

BARRY S. EDGE (#114250)

CIVIL ACTION

VERSUS

RICHARD L. STALDER, ET AL.

NO.:01-00009-BAJ-RLB

RULING AND ORDER

Before the Court is the United States Magistrate Judge's **Report and Recommendation (Doc. 53)**, pursuant to 28 U.S.C. § 636(b)(1), addressing Defendant Paul Perkins's Motion for Summary Judgment (Doc. 44). The Magistrate Judge recommended that the Motion (Doc. 44) be granted, dismissing Plaintiff's claims with prejudice against Defendant Perkins.

The Report and Recommendation notified Plaintiff that, pursuant to 28 U.S.C. § 636(b)(1), he had fourteen (14) days from the date he received the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. (Doc. 53 at p. 1). Plaintiff timely filed an objection. (Doc. 54).<sup>1</sup>

Having carefully considered the underlying Complaint, the instant motions, and related filings, the Court approves the Magistrate Judge's Report and

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<sup>1</sup> Plaintiff objects to the Report and Recommendation on one ground, that an issue of material fact exists as to whether Defendant Perkins was present for beatings of Plaintiff. To support his objection, Plaintiff references depositions that were previously submitted with his opposition to the motion for summary judgment. (See Doc. 46). However, none of the depositions indicate that Defendant Perkins was present for, and witnessed, excessive force being used against Plaintiff, or that Defendant was present at the time and place excessive force was used on Plaintiff. The deposition merely shows that Defendant Perkins was present at the Education Building in Camp D at some point on the night of incident. This assertion, without more, is insufficient to prove his claim.

Recommendation, and hereby adopts the findings of fact, conclusions of law, and recommendation.

Accordingly,

**IT IS ORDERED** that the **Magistrate Judge's Report and Recommendation (Doc. 53)** is **ADOPTED** as the Court's opinion herein.

**IT IS FURTHER ORDERED** that Defendant Perkins's **Motion for Summary Judgment (Doc. 44)** is **GRANTED**.

**IT IS FURTHER ORDERED** that Plaintiff's claims against Defendant Perkins are **DISMISSED WITH PREJUDICE**.

Baton Rouge, Louisiana, this 21<sup>st</sup> day of November, 2016.



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**BRIAN A. JACKSON, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA**