

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST. COURT
MIDDLE DISTRICT OF LA
2009 NOV -4 P 3:59

JOHN A. THOMAS (#177753)

VERSUS

WARDEN BURL CAIN, ET AL.

CIVIL ACTION

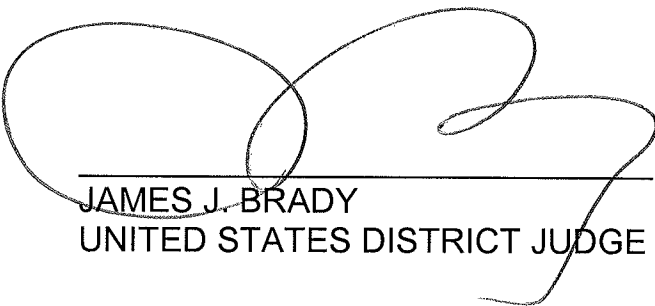
NO. 05-941-JJB-CN

RULING

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Christine Noland dated September 28, 2009 (doc. no. 130) to which no objection has been filed.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, the defendant's motion for summary judgment (doc. no. 112) is DENIED, and this action is REFERRED back to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, this 4th day of November, 2009.



JAMES J. BRADY
UNITED STATES DISTRICT JUDGE