

FILED  
U.S. DIST. COURT  
MIDDLE DIST. OF LA.  
AUG 13 2009 12:27

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ERNEST MONTGOMERY (#315014)

VERSUS

ASST. WARDEN F. BOUTTE, ET AL

CIVIL ACTION

NO. 07-0094-JJB-DLD

**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 Docia L. Dalby dated July 16, 2009 (doc. no. 148) 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 Motion for Summary Judgment of Frederick Boutte (doc. no. 133) is DENIED, and this matter is referred back to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, this 12<sup>th</sup> day of August, 2009.



JAMES J. BRADY, JUDGE  
MIDDLE DISTRICT OF LOUISIANA