

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

KEITH STEWART (#98926)

VERSUS

MAJOR FRANKLIN, ET AL

CIVIL ACTION

NO. 07-566-BAJ-DLD

RULING

The court, after carefully considering the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Docia L. Dalby dated August 25, 2010, to which no objection has been filed, hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the parties cross-motions for summary judgment (rec. docs 46 and 55) are DENIED, and this matter is referred back for further proceedings in connection with the plaintiff's claim of excessive force under the Eight Amendment against defendants Franklin and Hooker in their individual capacities.

Baton Rouge, Louisiana, October 18, 2010.



BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA