

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

THEODORE SMITH (#313084)

VERSUS

CIVIL ACTION

LT. GABRIEL HEBERT, ET AL

NUMBER 08-30-BAJ-DLD

RULING

This matter is before the Court on motions for summary judgment, filed by plaintiff (doc. 208),¹ and defendants (doc. 191). Also before the Court is a motion by plaintiff, Theodore Smith, for leave to file a supplemental objection to the Report and Recommendation of the Magistrate Judge dated August 26, 2012 (doc. 262).

Though plaintiff's proposed supplementary objection, like the original objection, vastly exceeds the thirty page limit set forth by Local Rule 7.5, and though the Magistrate Judge's report cautions the parties that no extension of time will be granted for the filing of objections to the Report and Recommendation, the Court has, in the interests of justice, decided to consider plaintiff's proposed supplemental objection. Accordingly, the motion by plaintiff to file a supplemental objection (doc. 262) is **GRANTED**.

The Court, after carefully considering the record of this matter, including the complaint, the memoranda and exhibits submitted in support of, and in opposition to, the motions (docs. 191-195, 204, 208, 210), the Report and Recommendation of the Magistrate Judge, dated August 26, 2012 (doc. 231), and plaintiff's objections thereto (docs. 232, 262-1), approves the reasoning and conclusions of the Magistrate Judge and

¹Though plaintiff's motion is captioned as a Motion to Strike and/or Amend, the document is, in substance, a motion for summary judgment that was filed by plaintiff with leave of the Magistrate Judge (doc. 228), and it has been so construed herein.

notes that plaintiff's objections merely restate argument and evidence already adequately addressed by the Report and Recommendation.

Accordingly, the Court approves the Report and Recommendation of the Magistrate Judge and adopts it as the Court's opinion herein, and the motion by plaintiff for summary judgment (doc. 208), is **DENIED**, and the motion by defendants for summary judgment is **GRANTED**, and this matter shall be dismissed.

Baton Rouge, Louisiana, January 23, 2012.



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