

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DIST COURT  
MIDDLE DIST. OF LA  
2009 APR 27 A 10:08

THEODORE SMITH (#313084)

FILED  
BY DEPUTY CLERK

VERSUS

CIVIL ACTION

LT. GABRIEL HEBERT, ET AL

NO. 08-30-C

**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 March 13, 2009. Plaintiff has filed an objection which the court has considered.

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 to dismiss is granted in part, dismissing all of the plaintiff's claims except the plaintiff's equal protection claim against Kevin Benjamin and his retaliation claims against Michael Laborde, Rachel Taylor, Todd Barrere, David Voorhies, Harold Sterling, James Tillman, Louis Stroud and Irving Stammriech. The court declines to exercise supplemental jurisdiction over the plaintiff's state law and this action is referred back to the magistrate judge for further

proceedings.

Baton Rouge, Louisiana, April 24, 2009.



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RALPH E. TYSON, CHIEF JUDGE  
MIDDLE DISTRICT OF LOUISIANA