

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LEVAR KING (#367502)

VERSUS

CARL J. SMITH, ET AL.

CIVIL ACTION

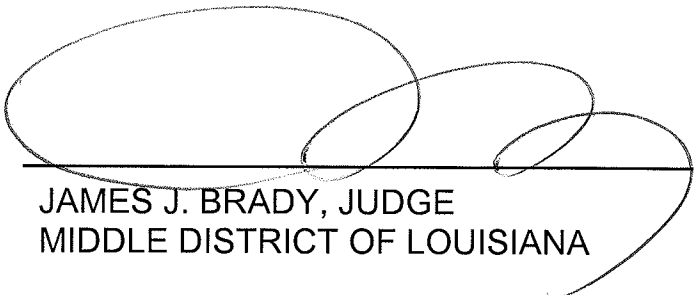
NO. 08-290-JJB-CN

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 July 30, 2010 (doc. no. 50). The plaintiff filed an objection which merely restates his prior argument and has been duly considered.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, the plaintiff's claims against defendant Dupuy, Adams, Beartrain and Bordelon are DISMISSED for failure of the plaintiff to serve these defendants within 120 days as mandated by rule 4(m) of the Federal Rules of Civil Procedure. Further, the defendants' Motion for Summary Judgment (doc. no. 38) is DENIES, and this matter is referred back for further proceedings.

Baton Rouge, Louisiana, this 16th day of September, 2010.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA