

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA
2009 MAY 20 P 4:12

LARRY PAUL CUPPAY (#68507)

CIVIL ACTION

VERSUS

NO. 08-293-JJB-CN

BURL CAIN, WARDEN, ET AL.

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 April 29, 2009 (doc. no. 33) 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 plaintiff's claims against defendant Mai Tran are DISMISSED for failure of the plaintiff to serve this defendant within 120 days as mandated by Rule 4(m) of the Federal Rules of Civil Procedure. Further, the Motion to Dismiss the defendant Burl Cain (doc. No. 29) is GRANTED, DISMISSING the plaintiff's claims against this defendant, with prejudice, on the basis of qualified immunity, and this action is DISMISSED.

Baton Rouge, Louisiana, this 19th day of May, 2009.


JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA