

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

CALVIN WALKER (#110316)

VERSUS

CIVIL ACTION

MAJ. KENNETH STEWART, ET AL

NUMBER 08-324-FJP-DLD

O P I N I O N

After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report to which an objection was filed:

IT IS ORDERED that the defendants' motion to dismiss shall be GRANTED in part, dismissing the plaintiff's unconstitutional conditions of confinement and medical indifference claims and his claims against Hunt Correctional Center. In all other respects, the defendants' motion to dismiss shall be DENIED.

IT IS FURTHER ORDERED that this matter shall be referred back to the Magistrate Judge for further proceedings on the plaintiff's excessive force claims against Maj. Kenneth Stewart.

Baton Rouge, Louisiana, January 15, 2009.



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FRANK J. POLOZOLA  
MIDDLE DISTRICT OF LOUISIANA

DLD

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