

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ROBERT POOKER (#234804)

VERSUS

BURL CAIN, WARDEN, ET AL

CIVIL ACTION

NO. 08-442-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 Christine Noland dated February 19, 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 court declines to exercise supplemental jurisdiction over the plaintiff's state law claims and the defendant's motions to dismiss (rec. doc. nos. 15 and 21) are granted in part, dismissing the plaintiff's claims against the defendants in their official capacities and dismissing the plaintiff's claims regarding the alleged incident of August 14, 2007, and regarding the prison policy relative to inmates being disallowed from entering prison buildings without permission. Further, the plaintiff's remaining claim, that he is allegedly not provided with access to a restroom when needed during

certain hours of the day, is hereby referred back to the Magistrate judge for further proceedings.

Baton Rouge, Louisiana, April 28, 2009.



RALPH E. TYSON, CHIEF JUDGE  
MIDDLE DISTRICT OF LOUISIANA