

## UNITED STATES DISTRICT COURT

## MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DIST. COURT  
MIDDLE DIST. OF LA.  
2009 MAR 27 A 10:49

THEOSHAMOND NORMAN (#407759)

CIVIL ACTION

VERSUS

NO. 08-449-JVP-DLD

DEPARTMENT OF PUBLIC SAFETY  
AND CORRECTIONS, ET AL**RULING ON MOTION TO DISMISS**

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 Dalby dated March 4, 2009 (doc. 22). Plaintiff has filed an objection that merely restates legal argument and does not require *de novo* factual findings under 28 U.S.C. § 636. To the extent that the objection addresses the issue of amending the complaint, plaintiff is free to submit a motion to amend the complaint accompanied by a proposed supplemental and amended complaint.

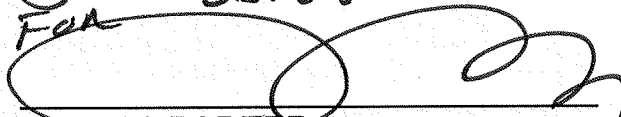
The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the defendant's motion to dismiss is hereby **GRANTED** in part, dismissing the plaintiff's claims against the Louisiana Department of Public Safety and Corrections. In all other respects, the defendants' motion to dismiss is hereby

**DENIED** and this matter is referred back to the magistrate judge for further proceedings.

Baton Rouge, Louisiana, March 27<sup>th</sup>, 2009.

JAMES J. BRADY  
D.S. O.J.  
FCA



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JOHN V. PARKER  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA