

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

FILED
U.S. DIST. COURT
MIDDLE DIST. OF LA
2009 JUN 10 A 11:07

CLARENCE BOLDEN (#319449)

VERSUS

CIVIL ACTION NO.: 08-560-JVP-CN

ROGER YOUNG, SERGEANT, ET AL

SIGN _____
BY DEPUTY CLERK

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 Noland dated April 27, 2009 (doc. 16). Plaintiff has filed an objection which merely restates legal argument and does not require *de novo* factual findings under 28 U.S.C. § 636.

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

Accordingly, defendant's Motion to Dismiss (doc. 10) is hereby **GRANTED**, dismissing the plaintiff's claims against defendants Roger Young and Burl Cain in their official capacities, with prejudice, and dismissing the plaintiff's claims asserted against defendant Burl Cain, with prejudice, on the basis of qualified immunity, and

this matter is hereby referred back to Magistrate Judge Christine Noland for further proceedings.

Baton Rouge, Louisiana, June 10, 2009.


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