

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

WALTER E. JOHNSON, JR. (#104558)

CIVIL ACTION

VERSUS

NO. 08-0590-FJP-DLD

N. BURL CAIN, WARDEN, ET AL.

OPINION

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 plaintiff's claims asserted against defendants Tim Delaney and the Angola Boxing Association shall be dismissed for failure of the plaintiff to serve these defendants within 120 days as mandated by Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that Court declines to exercise supplemental jurisdiction over all state law claims, and that the Motion to Dismiss of the remaining defendants¹ shall be granted in part, dismissing the plaintiff's claims asserted against defendant Burl Cain and dismissing the plaintiff's claims asserted against the remaining defendants, with the exception of the plaintiff's claim that defendants Joe Lamartiniere and Preseley Bordenlon were

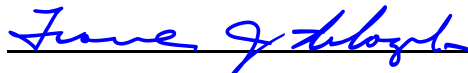
¹ Rec. Doc. No. 12.

deliberately indifferent to the plaintiff's safety and well-being by failing to control or segregate a co-inmate who they knew posed an unreasonable danger to the physical safety of other prisoners.

IT IS FURTHER ORDERED that the state law claims shall be dismissed without prejudice.

IT IS FURTHER ORDERED that this action shall be referred back to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, September 30, 2009.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA