

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FILED  
U.S. DIST COURT  
MIDDLE DIST. OF LA  
2009 SEP 29 P 4: 14

RONALDO AUGUST (#1322141)

CIVIL ACTION

VERSUS

NO. 08-680-C

SGT. JOSEPH SHORTS, ET AL

**RULING**

The court, after carefully considering the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Christine Noland dated July 23, 2009, to which no objection has been filed, hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the defendants' motion to dismiss (rec.doc. 13) is granted, dismissing the plaintiff's claims against defendant Joseph Shorts for failure of the plaintiff to serve this defendant within 120 days as mandated by Rule 4(m) of the Federal Rules of Civil Procedure.

Further the defendants' motion for summary judgment (rec.doc. 14) will be granted, dismissing the plaintiff's claims against the remaining defendants, with prejudice, and this action will be dismissed.

Baton Rouge, Louisiana, September 29, 2009.

  
RALPH E. TYSON, CHIEF JUDGE  
MIDDLE DISTRICT OF LOUISIANA