

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

MYCHEAL CALLOWAY(#96740)

CIVIL ACTION

VERSUS

NO. 08-0682-FJP-DLD

N. BURL CAIN, 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 Court declines to exercise supplemental jurisdiction over the plaintiff's state law claims and that the defendants' motion to dismiss<sup>1</sup> shall be granted in part, dismissing the plaintiff's claims asserted against defendant Cathy Fontenot, dismissing the plaintiff's claims of a wrongful denial of his administrative grievance and of a violation of prison rules and regulations, and dismissing the plaintiff's claims asserted against the defendants in their official capacities.

IT IS FURTHER ORDERED that the defendants' motion to dismiss shall be denied relative to the plaintiff's claim of denial of out-of-cell exercise, and that this action shall be referred back to


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<sup>1</sup> Rec. Doc. No. 21.

Doc#46548

the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, January 12, 2010.



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FRANK J. POLOZOLA  
MIDDLE DISTRICT OF LOUISIANA