

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

THEODORE NILES ARITA (#422864)

CIVIL ACTION

VERSUS

NO. 09-158-RET

WARDEN PERRY STAGG, 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 Docia L. Dalby dated May 6, 2010, 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 Motion for Summary Judgment of defendant Jonathan Roundtree (rec.doc.27) is granted, dismissing the plaintiff's claims asserted against this defendant, with prejudice. The Motion to Dismiss of defendant Charles Boudreaux (rec.doc.70) is granted, dismissing all of the plaintiff's claims asserted against this defendant except his claim for monetary damages resulting the alleged excessive force of April 18, 2008. The plaintiff's claims asserted against all defendants in their official capacities are dismissed, and this action is referred back to the United States Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, August 24, 2010.


RALPHE. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA