

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

THEODORE NILES ARITA (#422864)

CIVIL ACTION

VERSUS

NO. 09-158-JJB-DLD


WARDEN PERRY STAGG, ET AL.

RULING

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 Docia L. Dalby dated August 26, 2011 (doc. no. 131) to which no objection has been filed.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, the plaintiff's claims asserted against defendant Christopher Jacobs is DISMISSED 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 Motion for Summary Judgment of defendants Marks Allen, Charles Boudreaux, John Hughes, Chad Oubre, Huey Pigeon, Matt Reed, Nick Sanders, Jimmy Smith, Perry Stagg, James Tillman and Patrick Woods (doc. no. 113) is DENIED and this matter is referred back to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, this 5th day of October, 2011.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA