

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

THEODORE NILES ARITA (#422864)

VERSUS

WARDEN PERRY STAGG, ET AL

CIVIL ACTION

NO. 09-158-C

**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 October 30, 2009. Plaintiff has filed an objection which the court has considered.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the defendants' Motions to Dismiss, (rec.doc.nos. 15 and 24), are granted in part, dismissing the plaintiff's claims asserted against defendant Burl Cain and dismissing all of the plaintiff's claims asserted against the remaining defendants except his claims for monetary damages asserting that defendant, Jonathan Roundtree, was deliberately indifferent to the plaintiff's serious medical needs on April 18, 2008, and that the remaining defendants subjected him to excessive force on that date.

This action is referred back to the United States Magistrate Judge for further

proceedings.

Baton Rouge, Louisiana, January 29, 2010.

  
RALPH E. TYSON, CHIEF JUDGE  
MIDDLE DISTRICT OF LOUISIANA