

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JAMES ELLIS (300276)

CIVIL ACTION

VERSUS

NO. 09-222-BAJ-DLD

JAMES M. LEBLANC, ET AL

RULING

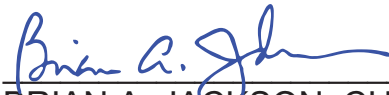
The Court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Docia L. Dalby dated September 7, 2012 (doc. no. 67) to which no objection has been filed.

The Court hereby approves the report and recommendation of the magistrate judge and adopts it as the Court's opinion herein. Accordingly, the defendants' motion for summary judgment (doc. no. 51) is granted in part, dismissing plaintiff's claims against Secretary James LeBlanc and the claims that Asst. Warden Troy Poret threatened him on September 2, 2009 and brushed against him and threatened him on September 21, 2009. In all other respects, the defendants' motion for summary judgment is denied.

The Court declines to exercise supplemental jurisdiction and this matter is

referred back to the United States Magistrate Judge for further proceedings on the plaintiff's retaliation claim.

Baton Rouge, Louisiana, this 28th day of September, 2012.



BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA