

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

SHEDRICK J. BRUMFIELD (#395468)

VERSUS

MAJ. CHAD OUBRE, ET AL

CIVIL ACTION

NO. 09-354-C

**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 Christine Noland dated October 26, 2009, 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 defendants' Motion to Dismiss is granted in part, dismissing the plaintiff's claims asserted against the defendants in their official capacities and dismissing the plaintiff's claim for injunctive relief. Further, the defendants' Motion to Dismiss is denied in all other respects, and this matter is referred back to the United States Magistrate Judge for further proceedings in connection with the plaintiff's claims against the defendants in their individual capacities, of retaliatory conduct, excessive force and deliberate medical indifference.

Baton Rouge, Louisiana, January 29, 2010.

  
RALPH E. TYSON, CHIEF JUDGE  
MIDDLE DISTRICT OF LOUISIANA