

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

GABRIEL DEAN LOGAN (#425940)

VERSUS

WARDEN N. BURL CAIN, ET AL

CIVIL ACTION

NO. 09-389-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 Christine Noland dated May 21, 2010. 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 Motion for Summary Judgment, rec.doc.no.9, shall be granted in part, dismissing the plaintiff's claims asserted against the defendants in their official capacities, dismissing the plaintiff's claim asserted against defendants John Calvert and Chad Oubre for failure to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e, dismissing the plaintiff's claim asserted against defendant Burl Cain for failure to state a claim of constitutional significance, and dismissing the plaintiff's claim of deliberate medical indifference asserted against defendants Kenneth Harris and Michael Thomas. The Court declines to exercise supplemental jurisdiction over the plaintiff's state law claims and this matter is referred back for further proceedings in connection with the plaintiff's claim of excessive force against defendants Kenneth

Harris and Luke Rheams on July 6, 2008.

Baton Rouge, Louisiana, July / , 2010.

A handwritten signature in black ink, appearing to read 'Ralph E. Tyson', is written over a horizontal line.

RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA