

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DAVID SCOTT JOHNSON (#84970)

VERSUS

MR. BURL CAIN, WARDEN, ET AL

CIVIL ACTION

NO. 09-454-BAJ-CN

RULING

The Court, after carefully considering the complaint, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Christine Noland, dated July 8, 2010 (doc. 38), 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 Court declines to exercise supplemental jurisdiction over plaintiff's state law claims, and plaintiff's motion for summary judgment (doc. 29) is hereby **DENIED**. Defendants' motions to dismiss and for partial summary judgment (docs. 15 & 19, respectively) are hereby **GRANTED** insofar as they seek dismissal of the claims asserted against defendants, Burl Cain, Joe Lamartinere, Marcus Callahan, and Troy Poret, with prejudice, and **DENIED** only insofar as they seek dismissal of plaintiff's excessive force claim against defendant, Antonio Whitaker in his individual capacity. Plaintiff's motion to stay defendant's motion to dismiss (doc.

24) is hereby **DENIED** as moot, and **IT IS ORDERED** that this matter is hereby referred back for further proceedings consistent with this ruling.

Baton Rouge, Louisiana, September 7, 2010.



BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA