

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JOHNELL DEMPSEY (#458759)

VERSUS

BURL CAIN, WARDEN, ET AL.

CIVIL ACTION

NO. 09-666-JJB-CN

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 July 8, 2010 (doc. no. 2). The plaintiff filed an objection which merely restates his prior argument and has been duly considered.

The court 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 the plaintiff's state law claims, that the plaintiff's claims asserted against the defendants in their official capacities are dismissed, the Motion to Dismiss of defendants Burl Cain and Eric Hinyard are GRANTED, dismissing the plaintiff's claims asserted against these defendants, with prejudice. Further, the cross-motions for summary judgment of the plaintiff and defendants Jeremy McKey, Tyson Bonnette and Kelly Fagen, (doc. nos. 16, 25 and 27) are DENIED, and this action is referred back for further proceedings.

Baton Rouge, Louisiana, this 4th day of August, 2010.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA