

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

TROY D. WADE (#305401)

VERSUS

BURL N. CAIN, ET AL

CIVIL ACTION

NO. 09-695-RET

**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 June 7, 2010, 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 all Official Capacity Claims and Individual Capacity Claims as to Defendants Cain, Calvert and Brengettsy (rec.doc. 19), are granted in part, dismissing the plaintiff's claims asserted against defendants Burl Cain and John Calvert, with prejudice, and dismissing the plaintiff's claim asserted against defendant Steve Brengettsy in the defendant's official capacity only. This matter is referred back for further proceedings in connection with the plaintiff's claims asserted against defendants Steve Brengettsy and Andrea Ferguson.

Baton Rouge, Louisiana, August 24, 2010.

  
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RALPH E. TYSON, CHIEF JUDGE  
MIDDLE DISTRICT OF LOUISIANA