

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DONALD RAY JOHNSON (#300867)

CIVIL ACTION

VERSUS

NO. 09-719-C


JAMES LEBLANC, ET AL

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 March 29, 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 Motion to Dismiss filed by defendants' James LeBlanc, Burl Cain and Joe Lamartiniere, rec.doc.nos. 11 and 26, are granted, dismissing the plaintiff's claims asserted against these defendants, with prejudice, for failure of the plaintiff to state a claim upon which relief may be granted pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and this matter is referred back for further proceedings in connection with the plaintiff's claim asserted against defendant Troy Poret.

Baton Rouge, Louisiana, ~~May~~ *June 8*, 2010.



RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA