

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DONALD RAY JOHNSON (#300867)

VERSUS

JAMES LEBLANC ET AL

CIVIL ACTION

NO. 09-719-BAJ-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 September 10, 2010. Defendant 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 of defendant Troy Poret, (rec. doc. 29), is **GRANTED** in part, dismissing the plaintiff's claim for monetary damages asserted against the defendant in the defendant's official capacity, dismissing the plaintiff's claim regarding an alleged failure to provide safe access to the plaintiff's upper bunk, dismissing the plaintiff's claim relative to alleged verbal threats, and dismissing the plaintiff's claim for injuries resulting from confinement in Camp J at LSP.

IT IS FURTHER ORDERED that this matter is referred back for further proceedings in connection with the plaintiff's claim regarding the issuance of an alleged retaliatory disciplinary report by defendant Poret on August 26, 2008.

Baton Rouge, Louisiana, October 18, 2010.

A handwritten signature in cursive script, appearing to read "Brian A. Jackson", written in black ink.

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