

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LEONARD JOHNSON, JR. (#189695)

CIVIL ACTION

VERSUS

NO. 09-784-JJB-DLD

STEVE RADAR, ET AL.


RULING

The court has carefully considered the complaint, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Docia L. Dalby, dated January 25, 2010 (doc. no. 23). No objection has been timely filed.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, defendants' motion (doc. 20) to dismiss is GRANTED IN PART, dismissing all of the plaintiff's claims except the claim that John Chase Jr., Charles Henyard and Thomas Blue were deliberately indifferent to the plaintiff's health and safety and this matter is hereby REFERRED back to the magistrate judge for further proceedings on the plaintiff's Eighth Amendment claim.

Baton Rouge, Louisiana, this 19th day of February, 2010.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA