

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RANDY MCDONALD (452858)

CIVIL ACTION

VERSUS

NO. 09-850-BAJ-DLD

BURL CAIN, ET AL

**RULING
and ORDER OF DISMISSAL**

The Court has carefully considered the motion, the record, the law applicable to this action, and the Report and Recommendation of the United States Magistrate Judge Docia L. Dalby dated August 13, 2012 (doc. 83), and defendant's objection filed August 20, 2012 (doc. 84).

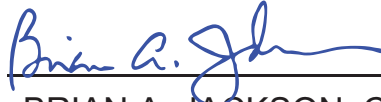
The Court hereby approves the report and recommendation of the magistrate judge and adopts it as the Court's opinion herein.

Accordingly, the plaintiff's claim asserted against the Louisiana State Fire Marshal Inspector is dismissed for failure of the plaintiff to serve this defendant within 129 days as mandated by Rule 4(m) of the Federal Rules of Civil Procedure.

The Court declines to exercise supplemental jurisdiction over the plaintiff's state law claims and the defendants' motion to dismiss (doc. 40) is granted, dismissing the plaintiff's federal claims asserted against the defendants, with

prejudice, and this action is hereby dismissed.

Baton Rouge, Louisiana, August 27, 2012.



BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA