

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

GEORGE JENKINS

VERSUS

JASON WHITTINGTON, ET AL.

CIVIL ACTION

NO. 09-908-JJB-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 February 2, 2010 (doc. no. 16) to which no objection has been filed.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, the Motion to Dismiss, or in the Alternative, Motion for Summary Judgment (doc. no. 9) filed by defendants, Michael Carlile, Eric Hinyard, Assistant Warden Lamartinere, Lawrence Martin, J. McKey, Terry Ross, Joseph Russell, Edgar Sherman, Brad Sterling, and Jason Whittington, is GRANTED IN PART and DENIED IN PART, in that all claims of plaintiff, George Jenkins, except for his claim of excessive force relating to the January 3, 2009 shakedown incident, is DISMISSED WITH PREJUDICE.

Baton Rouge, Louisiana, this 23rd day of February, 2010.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA