

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LEE ANDREW STEELE, JR. (#180309)

VERSUS

S. DUNCAN, ET AL.

CIVIL ACTION

NO. 09-998-JJB-CN

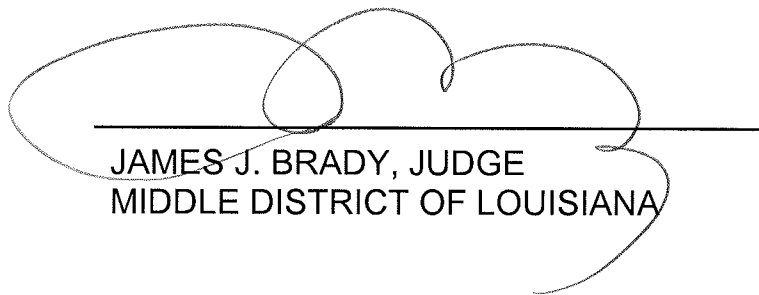
RULING

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 June 7, 2010 (doc. no. 24) 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 plaintiff's claims asserted against defendant S. Duncan are DISMISSED for failure of the plaintiff to serve this defendant within 120 days as mandated by Rule 4(m) of the Federal Rules of Civil Procedure. Further, the motion for partial summary judgment (doc. no. 13) is GRANTED, dismissing all of the plaintiff's claims asserted against defendants A. Boeker, J. Hooks, A. McCoy, Dr. Roundtree, James Summers and M. Thomas, and dismissing the plaintiff's claims of property destruction and interference with access to the courts asserted against defendant Terry Sharp for failure of the plaintiff to exhaust administrative remedies relative to these claims pursuant to 42 U.S.C. § 1997e. Further, the motion to dismiss of defendant Burl Cain (doc. no. 12) is GRANTED, dismissing the plaintiff's claims asserted against this defendant, with

prejudice, for failure of the plaintiff to state a claim upon which relief may be granted as to this defendant, and that this matter is referred back for further proceedings in connection with the plaintiff's claim of excessive force asserted against defendant Terry Sharp and Clinton Reid in the defendants' individual capacities.

Baton Rouge, Louisiana, this 16th day of July, 2010.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA