

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DUANE LEMAIRE (#304814)

CIVIL ACTION

VERSUS

NUMBER 10-92-FJP-DLD

BURL CAIN, ET AL

O P I N I O N

After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report to which no objection was filed:

IT IS ORDERED that the Motion to Dismiss Pursuant to Rule 12(b) filed on behalf of Warden Burl Cain and Warden Kenneth Norris shall be denied and this matter shall be referred back to the magistrate judge for further proceedings.

Baton Rouge, Louisiana, December 1, 2010.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA