

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ALFRED JOHN BAPTISTE (#123363)

CIVIL ACTION

VERSUS

NO. 10-0128-FJP-DLD

FREDRICK BOUTTE, 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 of pursuant to Rule 12(b) filed on behalf of Assistant Warden Fredrick Boutte and Col. Reginald Brock shall be grant in part, dismissing the plaintiff's ADA claims against Boutte and Brock in their individual capacities, and in all other respects, the motion to dismiss shall be DENIED.<sup>1</sup>

IT IS FURTHER ORDERED that the claims against Sgt. Dillion shall be DISMISSED for failure to prosecute pursuant to Rule 4(m), Fed. R. Civ. P. and this matter shall be referred back to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, January 13, 2011.



FRANK J. POLOZOLA  
MIDDLE DISTRICT OF LOUISIANA

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<sup>1</sup> Rec. Doc. Nos. 7 and 13.  
Doc#47072