

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ERIC SMITH (#132195)

VERSUS

SGT. ROBERT FRANKLIN, ET AL

CIVIL ACTION

NO. 10-138-RET

RULING

The court, after carefully considering the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Christine Noland dated December 6, 2011, to which no objection has been filed, hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, the Motion to Dismiss of defendants Steve Rader, Boyd McCartney, Jeffery Sloan, Regena McCray, Rhonda Prewitt, Nanette Stevens, Dr. Anthony Tarver, James Stevens, and Denise Felker, rec.doc.no. 15, will be granted, dismissing the plaintiff's claims asserted against these defendants for failure of the plaintiff to state a claim upon which relief may be granted. Further, the Motion for Summary Judgment of defendant Robert Franklin, rec.doc.no. 21, will be granted, dismissing the plaintiff's claim asserted against this defendant for failure of the plaintiff to exhaust administrative remedies pursuant to 42 U.S.C. § 1997e. Finally, the Motion to Dismiss of defendant Robert Franklin, rec.doc.no. 20, will be denied as moot, and this action will be dismissed, with prejudice.

Baton Rouge, Louisiana, January 10, 2011.


RALPH E. TYSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA