

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ZZEUNDRE JACOBS (#447048)

CIVIL ACTION

VERSUS

NO. 10-0271-FJP-CN

SECRETARY JAMES M. LeBLANC, 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 an objection was filed:

IT IS ORDERED that the plaintiff's claims asserted against defendants Lollis and Ware shall be dismissed for failure of the plaintiff to serve these defendants within 120 days as mandated by Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that the Court declines to exercise supplemental jurisdiction, that the plaintiff's Motion for Summary Judgment<sup>1</sup> shall be denied, and that the defendants' Motions to Dismiss<sup>2</sup> shall be granted in part, dismissing the plaintiff's claims asserted against defendant James LeBlanc and dismissing all of the plaintiff's claims asserted against the remaining defendants except his claim for monetary damages asserted against the defendants in their individual capacities and his claim for declaratory and injunctive relief asserted

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<sup>1</sup> Rec. Doc. NO. 64.

<sup>2</sup> Rec. Doc. Nos. 19 and 53.

against the defendants in their individual and official capacities arising out of the defendants' alleged deliberate indifference to the plaintiff's exposure to environmental tobacco smoke.

IT IS FURTHER ORDERED that this matter shall be referred back to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, March 17, 2011.



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FRANK J. POLOZOLA  
MIDDLE DISTRICT OF LOUISIANA