

**UNITED STATES DISTRICT COURT**  
**MIDDLE DISTRICT OF LOUISIANA**  
**BATON ROUGE DIVISION**

**CARLOS A. MCGREW** : **DOCKET NO. 3:10-272**  
**VS.** : **JUDGE TRIMBLE**  
**DONALD BARR, ET AL** : **MAGISTRATE JUDGE KIRK**

**JUDGMENT**

The instant case was reassigned to the undersigned on January 10, 2011.<sup>1</sup> On June 21, 2010, defendants, Dave Ankenbrand, Katie Ard, Carol Gilcrease, Donald Barr, Diane Peabody and William Reinbold filed a motion to dismiss ( R. #14) pursuant to Rule 12(b)(1) and (6). On October 6, 2010, Magistrate Judge Riedlinger issued a Report recommending that defendants' motion to dismiss be granted in part, dismissing all of plaintiff's claims except the claim that Dr. Katie Ard and Carol Gilcrease were deliberately indifferent to the plaintiff's serious mental health needs when they failed to provide the plaintiff mental health treatment between March 5, 2009 and June 23, 2009. Magistrate Judge Riedlinger also recommended that the claims against defendant, Melissa Broussard be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(I).<sup>2</sup> Plaintiff has filed his objections to the Report.

For the reasons stated in the Report of the Magistrate Judge previously filed herein and after

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<sup>1</sup> R. #51.

<sup>2</sup> R. #33. Defendant Melissa Broussard has yet to be served, however Judge Riedlinger concluded that she should be dismissed because in his complaint, the plaintiff made no factual allegations against this defendant.

an independent review of the record, and a *de novo* determination of the issues, and consideration of the objections filed herein, and having determined that the findings are correct under applicable law; it is

**ORDERED, ADJUDGED AND DECREED** that the motion to dismiss is hereby **GRANTED** in part, and **DENIED** in part. The claims against defendant, Melissa Broussard are hereby dismissed as frivolous pursuant to 28 U.S.C. § 1915 (e)(2)(B)(I). All of plaintiff's claims are dismissed except the claim that Dr. Katie Ard and Carol Gilcrease were deliberately indifferent to plaintiff's serious mental health treatment between March 5, 2009 and June 23, 2009.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 1<sup>st</sup> day of February, 2011.

  
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JAMES T. TRIMBLE, JR.  
UNITED STATES DISTRICT JUDGE