

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ELIJAH HAWTHORNE
(#356896)

VERSUS

BURL CAIN
and TROY POROT

CIVIL ACTION

NO. 10-528-BAJ-DLD

RULING

The Court has carefully considered the motion, the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Docia L. Dalby dated June 8, 2011 (doc. 41), 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, defendants' Motion to Dismiss (doc. 24) is granted in part, dismissing plaintiff's claims asserted against defendant Burl Cain, with prejudice, and dismissing all of plaintiff's claims asserted against defendant Troy Poret, except plaintiff's claim asserted against the defendant, in defendant's individual capacity, resulting from the plaintiff's alleged exposure to unconstitutional conditions of confinement between November 24, 2009 and January 19, 2010, in the form of an

unsanitary leaking toilet. This action is referred back to United States Magistrate Judge Docia L. Dalby for further proceedings.

Baton Rouge, Louisiana, July 20, 2011.

A handwritten signature in black ink, appearing to read "Brian A. Jackson", written in a cursive style.

BRIAN A. JACKSON
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA