

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DONALD CLARK (#478056)

VERSUS

MAJ. WORLEY, ET AL.

CIVIL ACTION

NO. 10-561-JJB-DLD

**RULING**

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Docia L. Dalby dated April 11, 2011 (doc. no. 40). The plaintiff has filed an objection which reasserts the same argument and lacks merit. The defendants' objection is denied without prejudice to bringing another motion for summary judgment.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, the Motion for Partial Summary Judgment is GRANTED in part, DISMISSING the plaintiff's medical indifference, falsified investigation report, false disciplinary report and official capacity claims; and in all other respects, the defendants' Motion for Partial Summary Judgment is DENIED and this matter is referred back to the magistrate judge for further proceedings on the plaintiff's excessive force claim.

Baton Rouge, Louisiana, this 10<sup>th</sup> day May, 2011.



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JAMES J. BRADY, JUDGE  
MIDDLE DISTRICT OF LOUISIANA