

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DAVID SYLVESTER (#342848)

CIVIL ACTION

VERSUS

NO. 11-0219-FJP-DLD

BURL CAIN, 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 Report¹ to which an objection² has been filed:

IT IS ORDERED that the defendants' Motion for Partial Summary Judgment³ is granted in part, dismissing all plaintiff's claims against Warden Burl Cain, Assistant Warden Chad Menzina, Maj. Chad Oubre, and Sgt. Michael Simpson. In all other respects, the Motion for Partial Summary Judgment is denied, and this action shall be referred back to the Magistrate Judge for further proceedings on the plaintiff's excessive

¹Rec. Doc. No. 31.

²Rec. Doc. No. 33.

³Rec. Doc. No. 14.

force claim against Capt. Charles Westbrook and Lt. Mark Laprairie.

Baton Rouge, Louisiana, this 21 day of December, 2011.

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FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA