

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ROSIE WASHINGTON AND
SHELDON WASHINGTON

CIVIL ACTION

VERSUS

NO. 11-334-BAJ-DLD

STATE OF LOUISIANA, ET AL

RULING

The Court has carefully considered the motion, the record, the law applicable to this action, and the Report and Recommendation of the United States Magistrate Judge Docia L. Dalby dated August 21, 2012 (doc. 65), and plaintiffs' objection filed September 4, 2012 (doc. 67).

Plaintiffs state the same legal arguments and present additional arguments that are frivolous on their face. The Court hereby approves the report and recommendation of the magistrate judge and adopts it as the Court's opinion herein.

Accordingly, **IT IS ORDERED** that plaintiffs' motion to strike reply brief (doc. 53) is hereby DENIED;

IT IS FURTHER ORDERED that defendants' motion to dismiss (doc. 25) is granted in part and denied in part as follows:

Defendants' motion to dismiss is GRANTED as to plaintiffs' claims against the following defendants in their official capacities:

State of Louisiana, Louisiana State Penitentiary, Department of Public Safety and Corrections and the individual defendants Burl Cain, Mary Anne Dubroc, Stayce Rodriguez Menzina-Falgout, Gwen Hardin, L. Bruce Dodd, Donald Barr, Ronald Jett

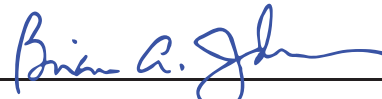
Defendants' motion to dismiss is GRANTED as to plaintiffs' federal claims against the following defendants in their individual capacities: Burl Cain, Mary Anne Dubroc, Stayce Rodriguez Menzina-Falgout, Gwen Hardin, L. Bruce Dodd, Donald Barr, Ronald Jett.

Defendants' motion to dismiss is DENIED as to plaintiffs' claims under Title VII against the State of Louisiana, Louisiana State Penitentiary, and Department of Public Safety and Corrections.

IT IS FURTHER ORDERED that defendants' supplemental motion to dismiss (doc. 35) is GRANTED as to plaintiffs' state law claims against the following individual defendants in their individual capacities: Burl Cain, Mary Anne Dubroc, Stayce Rodriguez Menzina-Falgout, Gwen Hardin, L. Bruce Dodd, Donald Barr, Ronald Jett.

IT IS FURTHER ORDERED that all of plaintiffs' claims against individual defendants Jennifer Lemoine and Clarion Bay are DISMISSED, without prejudice, pursuant to Rule 4(m) for failure to serve the defendants.

Baton Rouge, Louisiana, September 18, 2012.



BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA