

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

KENNETH SPRADLEY (#101526)

CIVIL ACTION

VERSUS

NO. 11-378-JJB-DLD

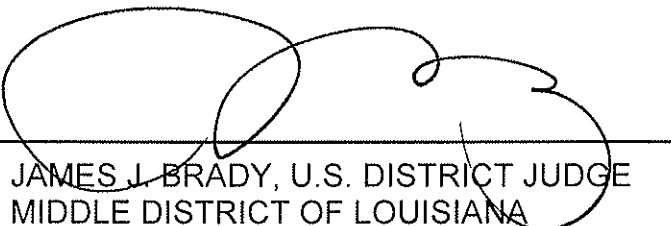
WARDEN J. TIRCUIT, ET AL.

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 July 3, 2012 (doc. no. 30). The plaintiff filed an objection which essentially makes the same arguments and has been duly considered by the court.

The court hereby approves the report and recommendation of the Magistrate Judge and adopts it as the court's opinion herein. Accordingly, the plaintiff's claims asserted against Warden J. Tircuit and Capt. Childs are DISMISSED, without prejudice, for failure of the plaintiff to serve these defendants within 120 days as mandated by Rule 4(m) of the Federal Rules of Civil Procedure. Further, the plaintiff's Motion for Summary Judgment (doc. no. 29), is DENIED, the Motion for Summary Judgment of defendant Craig White (doc. no. 18) is GRANTED, dismissing the plaintiff's claims asserted against this defendant, with prejudice, and this action is DISMISSED.

Baton Rouge, Louisiana, this 07th day of August, 2012.



JAMES J. BRADY, U.S. DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA