

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CHARLES STEWART (#111347)

VERSUS

BURL CAIN, ET AL.

CIVIL ACTION


NO. 11-403-JJB-SCR

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 Stephen C. Riedliner dated July 6, 2012 (doc. no. 29) to which no objection has been filed.

The court hereby approves the report and recommendation of the Magistrate Judge and adopts it as the court's opinion herein. Accordingly, the defendants' Motion to dismiss is GRANTED IN PART, dismissing the plaintiff's claims that: (1) defendants Capt. Barr and Capt. Conrad denied him medical treatment; (2) defendant Lt. Col. Foster verbally abused him; (3) and defendant Warden Cain failed to properly supervise, train and discipline his employees and denied the plaintiff's Administrative Remedy Procedure. In all other respects the defendants' motion to dismiss is DENIED. Further, the court declines to exercise supplemental jurisdiction over any state law claim. Further, the claims against Sgt. Eby are DISMISSED pursuant to Rule 4(m) for failure to serve the defendant.

Baton Rouge, Louisiana, this 6th day of August, 2012.



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