

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

EARTON LYNN SMITH (#305982)

CIVIL ACTION

VERSUS

NO. 11-614-BAJ-SCR

GRADY GAGNARD, ET AL

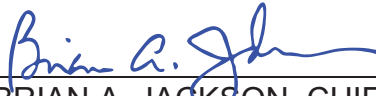
**RULING**

The Court, having carefully considered the petition, the record, the law applicable to this action, the Report and Recommendation of United States Magistrate Judge Stephen C. Riedlinger dated March 14, 2012 (doc. 44), to which no objection has been filed, hereby approves the report and recommendation of the magistrate judge and adopts it as the Court's opinion herein.

Accordingly, the partial motion to dismiss filed by defendants, Grady Gagnard and Kenneth Washington, is granted insofar as defendants seek dismissal of plaintiff's claims that he was issued a false disciplinary report and that the defendants violated Department of Corrections regulations, and the motion is denied otherwise.

Accordingly, **IT IS ORDERED** that plaintiffs claim that he was issued a false disciplinary report and that the department violated Department of Corrections regulations are hereby **DISMISSED** without prejudice to any state law claim.

Baton Rouge, Louisiana, April 30, 2012.

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