

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RAYMOND C. FOBBS (#130215)

VERSUS

DANIEL DAVIS, ET AL.

CIVIL ACTION

NO. 11-700-SDD-SCR

RULING

The Court has carefully considered the *Complaint*¹, the record, the law applicable to this action, and the *Report and Recommendation*² of United States Magistrate Judge Stephen C. Riedlinger dated April 15, 2014, to which no objection has been filed, and hereby approves the *Report and Recommendation* of the Magistrate Judge and adopts it as the Court's opinion herein.

ACCORDINGLY, the Defendants' *Motion for Summary Judgment*³ is granted in part, dismissing all claims against Dr. Tobe Momah and all claims against Defendants, Maj. Daniel Davis, Capt. John Sanders, and Sgt. Edward Mayhall, except for the Plaintiff's claims that: (1) Maj. Davis and Capt. Sanders were deliberately indifferent to his health when they sprayed him with a chemical agent after being informed that the Plaintiff is asthmatic, in violation of his Eighth Amendment rights; and, (2) Maj. Davis, Capt. Sanders, and Sgt. Mayhall subjected him to an excessive use of force, in violation of his Eighth Amendment rights.

Baton Rouge, Louisiana the 15 day of May, 2014.



SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA

¹ Rec. Doc. 1.

² Rec. Doc. 91.

³ Rec. Doc. 61.