

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

FREDDIE MARSALIS (#451967)

CIVIL ACTION

VERSUS

NO. 12-37-JJB-RLB

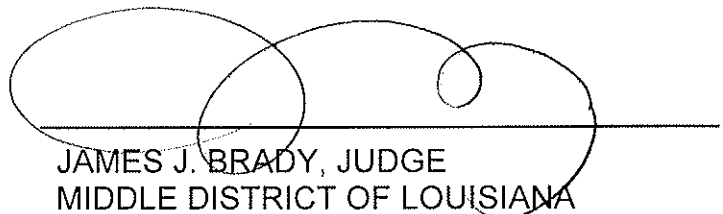
CAPT. KEVIN BARRERE, ET AL.

**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 Richard L. Bourgeois, Jr., dated October 11, 2013 (doc. no. 68) 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 defendant's Motion for Summary Judgment (doc. no. 56) is DENIED, and this matter is referred back to the Magistrate Judge for further proceedings in connection with the plaintiff's claim that the defendant violated the plaintiff's Eighth and First Amendment rights by subjecting the plaintiff to excessive force on June 16, 2011, in retaliation for the plaintiff's exercise of his constitutional right to complain regarding the defendant's alleged wrongful conduct.

Baton Rouge, Louisiana, this 5<sup>th</sup> day of November, 2013.

  
JAMES J. BRADY, JUDGE  
MIDDLE DISTRICT OF LOUISIANA