

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

TED DURBIN (#132464)

VERSUS

BURL CAIN, ET AL

CIVIL ACTION

NO. 12-496-SDD-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. Riedlinger, Jr. dated October 24, 2013. Plaintiff has filed an objection which the Court has considered.

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 *Motion for Summary Judgment*,¹ as supplemented, is denied. Defendants' *Motion for Partial Summary Judgment*² is granted in part, dismissing the Plaintiff's claims against Warden Jerry Goodwin. In all other respects the Defendants' *Motion for Partial Summary Judgment* is denied and this matter is referred back to the Magistrate Judge for further proceedings on the Plaintiff's retaliation claim against Warden Burl Cain.

Baton Rouge, Louisiana, November 15, 2013.



SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA

¹ Record Documents 25 and 35

² Record Document 28