

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CARLWYNN J. TURNER (#94983)

CIVIL ACTION

VERSUS

NO. 12-598-JJB-SCR

N. BURL CAIN, 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 Stephen C. Riedlinger dated April 29, 2013 (doc. no. 24). The plaintiff filed an objection which merely restates his prior argument and has been duly considered.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, the Motion to Dismiss Pursuant to FRCP Rule 12(b)(6) and 12(b)(1) is GRANTED IN PART, dismissing the plaintiff's claims against defendants Dy. Warden Darrel Vannoy and Asst. Warden Leslie Dupont, dismissing the plaintiff's official capacity claims, and dismissing the plaintiff's compensatory damages claim pursuant to 42 U.S.C. § 1997e(e). In all other respects the defendants' Motion to Dismiss Pursuant to FRCP rule 12(b)(6) and 12(b)(1) 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, this 15th day of May, 2013.



JAMES J. BRADY, JUDGE
MIDDLE DISTRICT OF LOUISIANA