

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

EDWARD SIMMONS (#103371)

VERSUS

JAMES LEBLANC, SECRETARY, ET AL

CIVIL ACTION

NO. 12-636-SDD-RLB

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 January 31, 2014. 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 Court declines to exercise supplemental jurisdiction over the Plaintiff's state law claims and Plaintiff's claims asserted against Defendants Nakisha Rogers and Adriane Porter are dismissed, without prejudice, for failure of the Plaintiff to serve these Defendants within 120 days as mandated by Fed. R. Civ. P. 4(m). Further, the Plaintiff's Motion for Summary Judgment (Rec. Doc. 45) is denied, the Motion for Summary Judgment of Defendant Lonnie Simmons (Rec. Doc. 116) is granted, dismissing the Plaintiff's claims asserted against this Defendant, with prejudice, and the Motion for Summary Judgment of the remaining Defendants (Rec. Doc. 96) is granted in part, dismissing all of the Plaintiff's claims asserted against the remaining Defendants except his claim asserted against Defendant Michael Swift, in the

Defendant's individual capacity, of retaliation and deliberate indifference in connection with the alleged dissemination of information to other inmates in February or March, 2012, that the Plaintiff was a "snitch" or informant, resulting in the Plaintiff being attacked by a co-inmate on March 26, 2012.

This matter is referred back to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, ~~February~~ ^{March} 5TH, 2014.


SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA