

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

CHARLIE BALL (#459919)

VERSUS

SGT. JAMES GUIDRY, ET AL

CIVIL ACTION

NO. 12-729-SDD-RLB

RULING AND ORDER

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 November 20, 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 Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims. Further, Defendants' Motions for Summary Judgment¹ are granted in part, dismissing the Plaintiff's claim of excessive force asserted against Defendant James Guidry, dismissing Plaintiff's claims of verbal abuse and retaliation asserted against all Defendants, and dismissing Plaintiff's claims asserted against Defendants in their official capacities.

IT IS ORDERED that this matter is referred back to the Magistrate Judge for further proceedings in connection with Plaintiff's claim that Defendant Howard Brown violated the Plaintiff's Eighth Amendment rights by subjecting Plaintiff to excessive force on January 18, 2012, and that Defendants Carlton Nettles, Ray Vittorio, Tim Delaney

¹ Record Documents 26 and 31

and James Guidry were deliberately indifferent to Plaintiff's health or safety when they stood by and failed to intervene in response to Defendant Brown's alleged wrongful conduct.

Baton Rouge, Louisiana, December 12th, 2013.



SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA