

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DONALD PEA (#457171)

VERSUS

N. BURL CAIN, WARDEN, ET AL

CIVIL ACTION

NO. 12-779-SDD-RLB

**RULING**

The Court, after carefully considering 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 2, 2014, to which no objection has been filed, 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 of supplemental jurisdiction over the Plaintiff's state law claims. The *Motion for Summary Judgment* of Defendant Greg Templeton<sup>1</sup> is granted in part, dismissing all of the Plaintiff's claims asserted against the Defendant except the Plaintiff's claim for monetary damages asserted against the Defendant in the Defendant's individual capacity arising out of the alleged use of excessive force on September 11, 2011. This matter is referred back to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, January 23, 2014.



SHELLY D. DICK, DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA

---

<sup>1</sup> Record document 22