

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CHRISTOPHER WHITE (# 365408)

CIVIL ACTION

VERSUS

LT. HOWARD BROWN, ET AL.

NO. 13-17-JJB-RLB

RULING

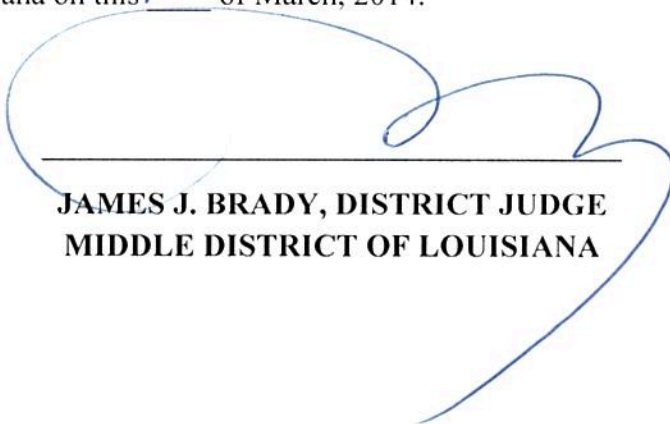
This matter is before the Court on the Motion (doc. 41) for Summary Judgment filed by the plaintiff Christopher White and the Motion (doc. 39) for Summary Judgment filed by the defendants. The Magistrate Judge recommended that the plaintiff's Motion for Summary Judgment be denied and the defendants' Motion for Summary Judgment be granted. (Doc. 42). Accordingly, the Magistrate Judge found that plaintiff's claims against defendants should be dismissed and that the Court should decline to exercise supplemental jurisdiction over the plaintiff's remaining state law claims.

The Court has reviewed the record, applicable law, and the plaintiff's objections (doc. 43) to the Magistrate Judge's Report and Recommendation *de novo*. See Fed. Rule Civ. Proc. 72(b)(3). In the plaintiff's objections (doc. 43) to the Magistrate Judge's Report and Recommendation, the plaintiff states that he is not and has never asserted claims based on a false disciplinary report or for indifference of medical attention. As for the plaintiff's excessive force claim, the plaintiff cites *Soto v. Dickey*, 744 F.2d 1260, 1262 (7th Cir. 1984) in his objections that the 10 grams of mace sprayed in his face constitutes a 3 second burst rather than a one second burst as Lt. Brown stated in his affidavit. However, there is no evidence that this is the same type or size can of the chemical agent as used in *Soto*.

The plaintiff has also not presented any evidence to negate the medical record prepared with the incident, which shows that the symptoms he experienced from the chemical agent were consistent with a minimal application of the chemical. (Doc. 39-10, p.4). Finally, other than the bare allegations that he was “maced for no reason,” the plaintiff has not presented any specific evidence to show that he was not causing a disturbance or refusing to comply with Lt. Brown’s orders. (Doc. 43, p. 4). Accordingly, the Court finds that the plaintiff’s evidence is not sufficient to create a genuine issue of material fact.

After review, the Court hereby **APPROVES and ADOPTS** the Report and Recommendation (doc. 42) of the Magistrate Judge. Accordingly, the Motion (doc. 41) for Summary Judgment filed by the plaintiff is **DENIED**, and the Motion (doc. 39) for Summary Judgment filed by the defendants is **GRANTED**. The plaintiff’s claims are hereby dismissed.

Signed in Baton Rouge, Louisiana on this 13th of March, 2014.



**JAMES J. BRADY, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA**