

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

PHILLIPS JELKS (#485250)

VERSUS

LA. D.O.C. WD. BURL CAIN, ET AL.

CIVIL ACTION

NO. 13-90-SDD-SCR

**RULING**

The Court, after carefully considering the *Complaint*<sup>1</sup>, the record, the law applicable to this action, and the *Report and Recommendation*<sup>2</sup> of United States Magistrate Judge Stephen C. Riedlinger dated May 7, 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 Defendants' *Motion for Partial Summary Judgment*<sup>3</sup> is GRANTED dismissing all of the Plaintiff's claims except his claims that: (1) on August 16, 2012, Capt. Webb, Capt. Smith, Capt. Gagnard, and Maj. Williams sprayed him with a chemical agent and then closed his booth cell door for 45 minutes; and (2) he was then removed from his cell and placed in a shower cell where he was once again sprayed with a chemical agent. This matter is referred back to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana the 6<sup>th</sup> day of June, 2014.

  
SHELLY D. DICK, DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA

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<sup>1</sup> Rec. Doc. 1.

<sup>2</sup> Rec. Doc. 116.

<sup>3</sup> Rec. Doc. 105.