

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LARRY ROBERTSON (#250866)

VERSUS

JAMES LEBLANC, ET AL

CIVIL ACTION

NO. 13-171-SDD-RLB

RULING
AND
ORDER OF DISMISSAL

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 in all respects, except that IT IS ORDERED that the Plaintiff is hereby granted thirty (30) days from receipt of this *Ruling and Order of Dismissal* to amend his *Complaint* to state a claim, if he can, of deliberate indifference to the risk of harm by a co-inmate.

Accordingly, the Plaintiff's claims asserted against Defendant B. Dobbs are dismissed for failure of the Plaintiff to serve this Defendant within 120 days as mandated by Fed. R. Civ. P. 4(m). Further, the Court declines to exercise supplemental jurisdiction over the Plaintiff's state law claims. Finally, the Plaintiff has thirty (30) days from receipt of this *Order* to amend his *Complaint* as ordered above.

Baton Rouge, Louisiana, February 20, 2014.



SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA