

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

REGINALD GEORGE (#111518)

VERSUS

WARDEN N. BURL CAIN, ET AL

CIVIL ACTION

NO. 13-206-SDD-RLB

**RULING  
AND  
ORDER OF DISMISSAL**

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 November 22, 2013, 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,

**IT IS ORDERED** that Plaintiff's claims asserted against Cadet Fredrick Payton are dismissed, without prejudice, for failure of the Plaintiff to serve the Defendant within 120 days as mandated by Fed. R. Civ. P. 4(m).

**IT IS FURTHER ORDERED** that the Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims and Plaintiff's *Motion for Summary Judgment*<sup>1</sup> is denied.

**IT IS FURTHER ORDERED** that the Defendants' *Motion to Dismiss*<sup>2</sup> is granted, dismissing Plaintiff's claims asserted against Defendants, with prejudice, for failure to


---

<sup>1</sup> Record Document 22

<sup>2</sup> Record Document 17

state a claim upon which relief may be granted.

Baton Rouge, Louisiana, December 12<sup>th</sup>, 2013.

  
SHELLY D. DICK, DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA