

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

BERNARD DELCARPIO (#119047)

VERSUS

N. BURL CAIN, ET AL.

CIVIL ACTION

NO. 13-273-SDD-RLB

RULING

The Court has carefully considered the *Complaint*¹, the record, the law applicable to this action, and the *Report and Recommendation*² of United States Magistrate Judge Richard L. Bourgeois, Jr. dated January 8, 2015. Plaintiff has filed an *Objection*³ which the Court has also considered.


The Court hereby approves the *Report and Recommendation* of the Magistrate Judge and adopts it as the Court's opinion herein.

Accordingly, the Plaintiff's claims asserted against the unidentified "John Doe" security officer Defendants are dismissed without prejudice for failure of the Plaintiff to serve these Defendants within 120 days as mandated by Fed. R. Civ. P. 4(m). Further, the Plaintiff's *Motion for Summary Judgment*⁴ is denied and the Defendants' *Motion for Summary Judgment*⁵ is granted, dismissing the Plaintiff's claims asserted against the Defendants, in part for failure to exhaust administrative remedies as mandated by 42

¹ Rec. Doc. 1.
² Rec. Doc. 27.
³ Rec. Doc. 28.
⁴ Rec. Doc. 23.
⁵ Rec. Doc. 17.

U.S.C. § 1997e, and in part for failure to state a claim upon which relief may be granted under 42 U.S.C. 1983, and this action is dismissed.

Baton Rouge, Louisiana the 2 day of February, 2015.



SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA