UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CHARLIE BALL (#459919)

VERSUS

JOHN SANDERS, *et al.*

CIVIL ACTION

NO. 13-282-JJB-SCR

RULING

This matter is before the Court for consideration of the Report and Recommendation of United States Magistrate Judge Stephen C. Riedlinger, dated June 2, 2014 (doc. 88) relative to defense motion for summary judgment (doc. 69). The motion is opposed (doc. 70). Plaintiff has filed on objection to the Magistrate Judges' Report and Recommendation (doc. 89).

The magistrate judge recommends that this motion for summary judgment be granted in part on the grounds that the undisputed material facts support that plaintiff's Fourth Amendment rights have not been violated. The magistrate judge recommends that this motion for summary judgment be dismissed in all other respects on the grounds that there are disputed material facts regarding plaintiff's claim of excessive use of force.

The magistrate judge correctly cites the applicable law. The objections merely restate defendants' prior arguments and requests specificity as to which particular claims are being dismissed. The court agrees with the magistrate judge that there are no disputed material facts that support plaintiffs' unreasonable search claim. The court agrees with the magistrate judge that there are disputed material facts as to plaintiffs' excessive force claims against defendant Sanders and defendant Stead. With respect to plaintiffs' objection, the court notes that there are disputed material facts as to plaintiffs' deliberate indifference claims against defendants Norman, Robinson, and Stead.

The Court agrees with the magistrate judge that the undisputed material facts and legal standards support search of the plaintiff on January 15, 2013 was not unreasonable and did not violate plaintiffs Fourth Amendment rights. This Court further agrees with the magistrate judge that there are significant material facts in dispute regarding plaintiffs' claims of excessive force and, the court adds, plaintiffs' claims of deliberate indifference. Accordingly, the defendants' motion for summary judgment (doc. 69) is hereby GRANTED in part, dismissing the plaintiffs' claim of an unreasonable search, and DENIED in all other respects.

Baton Rouge, Louisiana, this 15th day of July, 2014.

JUDGE JAMES J. BRADY
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA