

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CALVIN WALKER

CIVIL ACTION

VERSUS

JOHN SANDERS, ET AL.

NO.: 13-00305-BAJ-RLB

RULING AND ORDER

On July 14, 2014, the United States Magistrate Judge issued a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1), recommending that Plaintiff Calvin Walker's claims asserted against Defendant Unknown Adams be dismissed, without prejudice, for failure of the Plaintiff to serve this defendant within 120 days, as mandated by Rule 4(m) of the Federal Rules of Civil Procedure. The Magistrate Judge also recommended that Defendant John Sanders's Motion for Summary Judgment (Doc. 21) be granted, dismissing Plaintiff's claims, with prejudice, and that this action be dismissed. (Doc. 23.) Plaintiff asserts that the Defendants violated his constitutional rights by subjecting him to excessive force on July 21, 2012. Plaintiff also asserts that the Defendants were deliberately indifferent to his medical needs.

The Magistrate Judge's Report and Recommendation specifically notified the parties that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen (14) days from the date they received the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. (Doc. 23,

at 1.) A review of the record indicates that neither party had filed an objection to the Magistrate Judge's Report and Recommendation by the applicable filing deadline.

Having carefully considered the Magistrate Judge's Report, the record, and the applicable law, the Court concludes that the Magistrate Judge's Report is correct, and hereby adopts its findings of fact, conclusions of law, and recommendation.

Accordingly,

IT IS ORDERED that the **Magistrate Judge's Report (Doc. 23)** is **ADOPTED** as the Court's opinion herein.

IT IS FURTHER ORDERED that Plaintiff Calvin Walker's claims asserted against Defendant Unknown Adams are **DISMISSED, without prejudice**, for failure of the Plaintiff to serve this defendant within 120 days, as mandated by Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that Defendant John Sanders's **Motion for Summary Judgment (Doc. 21)** is **GRANTED**.

IT IS FURTHER ORDERED that the above captioned matter is **DISMISSED, with prejudice**.

Baton Rouge, Louisiana, this 13th day of August, 2014.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**