

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

HYMEL VARNADO (#333068)

CIVIL ACTION

VERSUS

NUMBER 13-348-JWD-SCR

KENNETH NORRIS, ET AL

OPINION

The Court has reviewed the entire record in this case, including the Magistrate Judge's Report and Recommendation dated February 6, 2014 (Doc. 89) and plaintiff's objection and traverse to the Magistrate Judge's Report (Doc. 90). The Court finds that the findings and conclusions of the Magistrate Judge are sound and supported by the record. (Doc. 89)

Plaintiff's main complaint is that the Magistrate Judge failed to acknowledge that the Plaintiff's Request for Admissions be deemed admitted. The Court has reviewed the Magistrate Judge's Ruling on objection to Untimeliness, Validity of Responses, Motion to Strike to Uphold FRCP Rules 33 and 36 (Doc. 87) and notes that Plaintiff failed to object to the Magistrate's Ruling. Furthermore, the Court concurs with the Magistrate Judge's findings and conclusions which denied Plaintiff's motion.

Accordingly, **IT IS ORDERED** that:

(1) the defendants' Motion for Summary Judgment is granted in part, dismissing any claim made on behalf of other prisoners and any other claim asserted in his Complaint except for his deliberate medical indifference claim against the defendants based on the failure to timely provide him with hernia surgery, and denying the remainder of the defendants' motion;

(2) the Plaintiff's Motion for Summary Judgment is denied;

(3) the Court declines to exercise supplemental jurisdiction over any state law claims and

these claims are dismissed without prejudice; and,

(4) this action is referred back to the magistrate judge for further proceedings on the plaintiff's Eighth Amendment deliberate medical indifference claim.

Signed in Baton Rouge, Louisiana, on February 20, 2015.



**JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**