

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARK E. WALKER (#550507)

CIVIL ACTION

VERSUS

NO. 13-0553-JJB-RLB

JAMES LeBLANC, ET AL.

RULING

This matter is before the Court for consideration of the Report and Recommendation of United States Magistrate Judge Richard L. Bourgeois, Jr., dated June 5, 2014 (doc. 57) relative to defense motion to dismiss (doc. 8). The motion is opposed. Plaintiff has filed an objection to the Magistrate Judges' Report and Recommendation (doc. 60). It is the recommendation of the magistrate judge that the defendant's motion to dismiss should be **granted**. The magistrate judge further recommends that the Court decline supplemental jurisdiction in connection with the plaintiff's claims arising under state law.

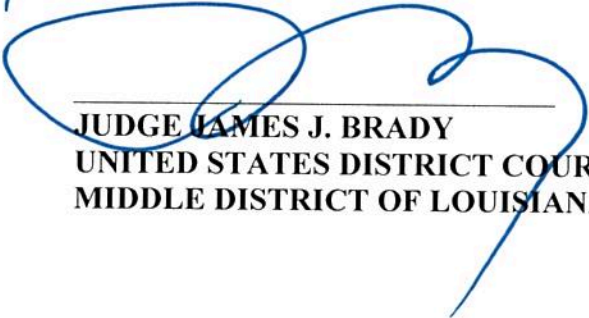
The magistrate judge recommends that this motion to dismiss be granted on the grounds that the plaintiff has failed to allege that either defendant LeBlanc or Foster has had any personal involvement in providing the plaintiff with medical care or in determining his work assignments. The magistrate judge recommends the Court decline the exercise of supplemental jurisdiction over the plaintiff's state law claims on the grounds that the dismissal of the plaintiff's federal claims cause the plaintiff's state law claims to substantially predominate.

The court recognizes the seriousness of a congenital eye condition and emphasizes that prison policy should not prevent adequate medical necessities to those in need. This court reprimands ostentatious conduct of denying proper medical eyewear and disregarding medical limitations when there is a genuine medical issue. In spite of a distain for such conduct and upon review of the record, the applicable law, and the Report and Recommendation of the Magistrate

Judge, the Court finds that the magistrate judge correctly cites the applicable law. The objections merely restate defendants' prior arguments. The court agrees with the magistrate judge that the plaintiff fails to allege any personal involvement or discrimination on the part of defendant LeBlanc and Foster and therefore fail to state a claim against these defendants upon which relief can be granted.

Accordingly, the defendants' motion to dismiss (doc. 8) is hereby **GRANTED**, dismissing the plaintiffs' claims against LeBlanc and Foster with prejudice, and the Court declines to exercise supplemental jurisdiction over the plaintiff's claims against under state law.

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



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