

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

HENRY HICKSON (#369635)

VERSUS

CAPT. GABRIEL HEBERT, ET AL.

CIVIL ACTION

NO. 13-580-SDD-RLB

RULING

The Court, after carefully considering 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 May 28, 2014, to which no objection has been filed, hereby approves the *Report and Recommendation* of the Magistrate Judge and adopts it as the Court's opinion herein. Accordingly,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Court declines to exercise supplemental jurisdiction over the Plaintiff's state law claims, and the *Motion for Summary Judgment*³ of Defendants, Johnny Bolden and Walt Willis, is GRANTED dismissing the Plaintiff's claims asserted against these Defendants, without prejudice, for failure to exhaust administrative remedies as mandated by 42 U.S.C. § 1997e.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Defendants' *Motion to Dismiss*⁴ is granted in part, dismissing the Plaintiff's claims for monetary damages asserted against the remaining Defendants in their official capacities, and denied in part, preserving the Plaintiff his official capacity claims asserted against the

¹ Rec. Doc. 1.

² Rec. Doc. 53.

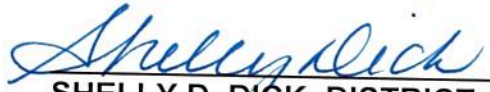
³ Rec. Doc. 14.

⁴ Rec. Doc. 13.

remaining Defendants for declaratory and injunctive relief and preserving his individual capacity claims asserted against the remaining Defendants for monetary damages.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this matter is referred back to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana the 27 day of June, 2014.



**SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA**