

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

HENRY HICKSON (#369635)

CIVIL ACTION

VERSUS

NO. 13-580-SDD-RLB

CAPT. GABRIEL HEBERT, ET AL.

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 January 6, 2015, 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, the *Motion for Partial Summary Judgment*³ of Defendant, Gabriel Hebert, and the *Motion for Summary Judgment*⁴ of Defendants, Burl Cain and Troy Poret, are granted, dismissing the Plaintiff's claims asserted against Defendants Cain and Poret in their entirety and dismissing the Plaintiff's claim asserted against Defendant, Gabriel Hebert, regarding an alleged deprivation of a shower on April 16, 2013, without prejudice, for failure to exhaust administrative remedies as mandated by 42 U.S.C. § 1997e. Further, this matter is referred back for further proceedings in connection with the Plaintiff's claim for monetary damages asserted against Defendant,

¹ Rec. Doc. 1.


² Rec. Doc. 69.

³ Rec. Doc. 48.

⁴ Rec. Doc. 60.

Gabriel Hebert, in the Defendant's individual capacity, for alleged excessive force in violation of the Eighth Amendment to the United States Constitution.

Baton Rouge, Louisiana the 2 day of February, 2015.



SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA