

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ELLIS REED (#105512)

VERSUS

TROY PORET, ET AL.

CIVIL ACTION

NO. 13-725-JWD-RLB

OPINION

After independently reviewing the entire record in this case and for the reasons set forth in the Magistrate Judge's Report dated February 19, 2016, to which an objection was filed:

IT IS ORDERED that Plaintiff's claims against Lt. Col. Jason Girard, Unknown Sgt. Hawkins, and "LSP Angola Correctional Institutional" be dismissed, without prejudice, for failure of the Plaintiff to serve these Defendants within 120 days as mandated by Federal Rule of Civil Procedure 4(m) at the time of the filing of the plaintiff's Complaint.

IT IS FURTHER ORDERED that the Defendants' Motion for Partial Summary Judgment (R. Doc. 31) is granted, dismissing without prejudice the Plaintiff's claims against all Defendants of the alleged use of excessive force on October 16, 2012, retaliation, and denial of access to the courts due to the failure of the Plaintiff to exhaust his administrative remedies with regards to these claims as required by 42 U.S.C. § 1997e.

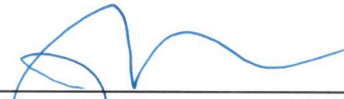
IT IS FURTHER ORDERED that the Defendants' Motion for Summary Judgment (R. Doc. 53) is granted in part, dismissing with prejudice the Plaintiff's claims of unconstitutional conditions of confinement and deliberate indifference to his health and safety.

IT IS FURTHER ORDERED that only as to the Plaintiff's claim against Defendant Smith of the use of excessive force on August 10, 2012, the Defendants' Motion (R. Doc. 53) is denied.

IT IS FURTHER ORDERED that the Plaintiff's Cross Motion for Summary Judgment (R. 60) is denied.

IT IS FURTHER ORDERED that this matter is referred back to the Magistrate Judge for further proceedings as appropriate.

Signed in Baton Rouge, Louisiana, on March 8, 2016.



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