

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

PHILLIP JELKS (#485250)

CIVIL ACTION

VERSUS

N. BURL CAIN, ET AL.

NO.: 14-00521-BAJ-RLB

RULING AND ORDER

Before the Court is a **Motion for Summary Judgment (Doc. 24)** filed by Warden Burl Cain, Sgt. Cedric Ferguson, and Major Trent Barton (collectively, “Defendants”) seeking an order dismissing all claims of Plaintiff Phillip Jelks (“Plaintiff”) pursuant to Rule 56 of the Federal Rules of Civil Procedure. The Magistrate Judge has issued a Report and Recommendation (Doc. 44) recommending that Defendants’ motion be granted. Plaintiff has not filed any objections to the Magistrate Judge’s Report.¹

Having carefully considered the Magistrate Judge’s Report and Recommendation, the record, and the applicable law, the Court **APPROVES** the **Report and Recommendation (Doc. 44)** and **ADOPTS** it as the Court’s opinion herein.

¹ The fact that Plaintiff was never served with a copy of the Magistrate Judge’s Report and Recommendation, (*See* Doc. 45), is irrelevant insofar as Plaintiff failed to provide prison officials with a proper forwarding address upon his release from Louisiana State Penitentiary.

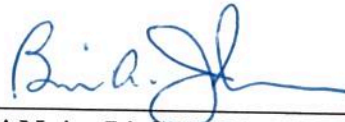
Accordingly,

IT IS ORDERED that all claims asserted against Defendants Cain and Barton are **DISMISSED WITHOUT PREJUDICE** due to Plaintiff's failure to exhaust administrative remedies as mandated by 42 U.S.C. § 1997e.

IT IS FURTHER ORDERED that all claims asserted against Sgt. Eric Turner² are **DISMISSED WITHOUT PREJUDICE** due to Plaintiff's failure to comply with Rule 4(m) of the Federal Rules of Civil Procedure.

IT IS FURTHER ORDERED that all claims asserted against Defendant Ferguson are **DISMISSED WITH PREJUDICE** pursuant to the doctrine of qualified immunity.³

Baton Rouge, Louisiana, this 22nd day of September, 2015.



**BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

² The Court notes that Defendant Turner was not a party to Defendants' Motion for Summary Judgment because he was never properly served. (*See* Doc. 44 at p. 2 n.1).

³ The Court has now disposed of all of the claims underlying Plaintiff's cause of action. (*See* Doc. 11).