

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LIONEL FRANCIS (#470626)

CIVIL ACTION

VERSUS

STEPHEN MILLER, ET AL.

NO.:14-00578-BAJ-EWD

RULING AND ORDER

On June 30, 2016, the United States Magistrate Judge issued a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1), recommending that Defendant Stephen Miller's **Motion for Partial Summary Judgment (Doc. 30)** be granted. (Doc. 39).

The Magistrate Judge's Report and Recommendation specifically notified Plaintiff that, pursuant to 28 U.S.C. § 636(b)(1), he had fourteen (14) days from the date he received the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. (Doc. 39 at p. 1). Within the objection period, Plaintiff filed a Motion to Supplement Plaintiff's Opposition to Defendant's Motion for Partial Summary Judgment (Doc. 20), which the Court interpreted as an objection.¹ (Doc. 42).

¹ Plaintiff's objection seeks to allege new facts and legal claims against entities and individuals that were never parties to this action or were previously dismissed. Plaintiff alleges that he has a mental health history that was known to the Department of Corrections, the Governor of Louisiana, and the Warden of the Louisiana State Penitentiary in Angola, Louisiana ("Angola"). Doc. 40 at p. 1. Plaintiff claims that he made several requests to prison officials regarding his need for mental health treatment as a result of the alleged incident. *Id.* at p. 2. Plaintiff also asserts a new claim under the Americans with Disabilities Act alleging that prison officials had a constitutional obligation to provide him with mental health treatment and to protect him. *Id.* at p. 3. Lastly, Plaintiff alleges that Angola does not have adequate mental health staff or a department with licensed psychiatrists and psychologists. *Id.* at p. 3.

Having carefully considered the underlying Complaint, the motion for partial summary judgment, and Plaintiff's objection, the Court approves the Magistrate Judge's Report and Recommendation, and hereby adopts the findings of fact, conclusions of law, and recommendation.

Accordingly,

IT IS ORDERED that the **Magistrate Judge's Report and Recommendation (Doc. 39)** is **ADOPTED** as the Court's opinion herein.

IT IS FURTHER ORDERED that the **Motion for Partial Summary Judgment (Doc. 30)** is **GRANTED**, and Plaintiff's claims against Defendant Stephen Miller for verbal abuse and harassment, failure to adhere to prison rules and regulations, and issuance of a false disciplinary report are **DISMISSED**.

IT IS FURTHER ORDERED that the Court declines jurisdiction over any pendent state law claims, and that those claims are **DISMISSED WITHOUT PREJUDICE**.

Baton Rouge, Louisiana, this 21st day of July, 2016.



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

Many of the factual allegations and legal claims are improperly raised in the objection. The parameters of this case are confined to the allegations in the Complaint against the sole remaining defendant. Additionally, the Report and Recommendation only addressed the issues raised in Defendant Miller's motion for partial summary judgment. Defendant Miller's motion sought to dismiss Plaintiff's claims against him in his official capacity, as well as Plaintiff's claims for violation of prison policy, false disciplinary reports, and verbal abuse. Doc. 30 at p. 1-2. Because Plaintiff's objection improperly exceeds the scope of the underlying motion for partial summary judgment, the objection is overruled.