

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

EDMOND SPENCER (#253212)

VERSUS

WILLIAM ROSSO, ET AL.

CIVIL ACTION

NO. 15-78-JWD-RLB

OPINION

After independently reviewing the entire record in this case and for the reasons set forth in Magistrate Judge's Report dated January 26, 2016, to which an objection was filed.


IT IS ORDERED that the Plaintiff's claims against Dr. John Doe are dismissed, without prejudice, for failure of the Plaintiff to serve this Defendant within 120 days as was 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 Defendants' Motion to Dismiss is granted in part, dismissing any claims against Defendant Cain in his official capacity for monetary damages, and the Plaintiff's due process claims.

IT IS FURTHER ORDERED that the Defendants' Motion to Dismiss is denied as to the Plaintiff's claims of retaliation, deliberate indifference to his serious medical needs, excessive use of force, and for declaratory and injunctive relief.

IT IS FURTHER ORDERED that the Court declines the exercise of supplemental jurisdiction in connection with the Plaintiff's potential state law claims.

Signed in Baton Rouge, Louisiana, on February 12, 2016.



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