

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CLAUDE L. MASON (#900018207)

CIVIL ACTION

VERSUS

16-205-SDD-EWD

EAST BATON ROUGE PARISH PRISON
SHERIFF OFFICE, ET AL.

RULING

The Court has carefully considered the *Complaint*,¹ the record, the law applicable to this action, and the *Report and Recommendation*² of United States Magistrate Judge Erin Wilder-Doomes dated December 7, 2016. Plaintiff has filed an *Objection*³ which the Court has also considered.

The Court hereby approves the *Report and Recommendation* of the Magistrate Judge and adopts it as the Court's opinion herein.

Accordingly, the Defendant, East Baton Rouge Parish Prison Sheriff Office's, *Motion to Dismiss*⁴ is granted and the Plaintiff's claims asserted against this Defendant are dismissed with prejudice. Further, the *Motion to Dismiss*⁵ filed by Defendants, Sheriff Sid J. Gautreaux, III and Warden Dennis Grimes is denied without prejudice to reassertion of the exhaustion issue in a properly supported motion for summary judgment, and this

¹ Rec. Doc. 1.

² Rec. Doc. 28.

³ Rec. Doc. 32.

⁴ Rec. Doc. 9.

⁵ Rec. Doc. 8.

matter is referred back to the Magistrate Judge for further proceedings in connection with Plaintiff's claims asserted against these Defendants.

Baton Rouge, Louisiana the 7 day of February, 2017.



**SHELLY D. DICK, DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA**