

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JAMES E. FLOWERS

VERSUS

LESLIE DUPONT, ET AL.

CIVIL ACTION

16-263-SDD-EWD


**RULING**

The Court has carefully considered the *Complaint*,<sup>1</sup> the record, the law applicable to this action, and the *Report and Recommendation*<sup>2</sup> of United States Magistrate Judge Erin Wilder-Doomes dated June 8, 2017 to which there has been no objection filed.

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

**Accordingly**, the Defendants' *Motion to Dismiss*<sup>3</sup> be granted in part, dismissing Plaintiff's claim for monetary damages asserted against Defendants in their official capacities and dismissing all of Plaintiff's claims asserted against Defendants, Leslie Dupont, Chad Menzina, and Barrett Boeker, with prejudice. It is further ordered that the *Motion to Dismiss* be otherwise denied relative to Defendant, David Lane, and that this matter be referred back for further proceedings in connection with Plaintiff's claim that Defendant, David Lane, in his individual capacity, violated Plaintiff's constitutional rights by failing to protect Plaintiff from harm at the hands of a co-inmate on August 14, 2015.

Baton Rouge, Louisiana the 15 day of August, 2017.

  
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SHELLY D. DICK, DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA

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<sup>1</sup> Rec. Doc. 1.

<sup>2</sup> Rec. Doc. 11.

<sup>3</sup> Rec. Doc. 8.