

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

VIDALE TASBY (#330329)

CIVIL ACTION

VERSUS

NO. 16-277-JJB-EWD

N. BURL CAIN, WARDEN, ET AL.

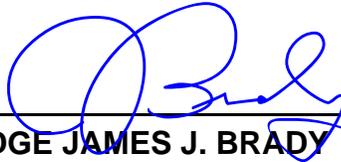
RULING

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Erin Wilder-Doomes dated September 12, 2017 (R. Doc. 125) to which no objection has been filed.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the Court's opinion herein. Accordingly, the Court declines to exercise supplemental jurisdiction over Plaintiff's state law claims and Plaintiff's claims asserted against Defendants Ms. Peabody, Kristen Thomas, Dr. Reinbold and David Ankenbrand are DISMISSED for failure of Plaintiff to timely effect service against these Defendants in accordance with Fed. R. Civ. P. 4(m). Further, Plaintiff's Motion for Entry of Judgment (R. Doc. 47) is DENIED and the Motion for Summary Judgment of Defendants N. Burl Cain, Carol Gilcrease, Dr. Matthew Gamble and Darrel Vannoy (R. Doc. 22) are GRANTED, dismissing Plaintiff's claims asserted against these Defendants, with prejudice. Further, summary judgment is GRANTED *sua sponte* in favor of Defendants James

LeBlanc and Stephanie Lamartiniere – and alternatively in favor of Defendants Ms. Peabody, Kristen Thomas, Dr. Reinbold and David Ankenbrand – for the same reasons stated in favor of Defendants N. Burl Cain, Carol Gilcrease, Dr. Matthew Gamble and Darrel Vannoy,. Finally, the pending Motions to Dismiss of Defendants N. Burl Cain, Carol Gilcrease, Dr. Matthew Gamble, Darrel Vannoy, James LeBlanc and Stephanie Lamartiniere (R. Docs. 18 and 91) are DENIED as moot and all other pending motions (R. Docs. 39, 41, 43, 45, 46 and 66) are DENIED.

Signed in Baton Rouge, Louisiana, on September 27, 2017.



**JUDGE JAMES J. BRADY
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**