

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

ANGELO MITCHELL (#342857)

VERSUS

DARREL VANNOY, ET AL

CIVIL ACTION

NO. 16-826-JJB-RLB

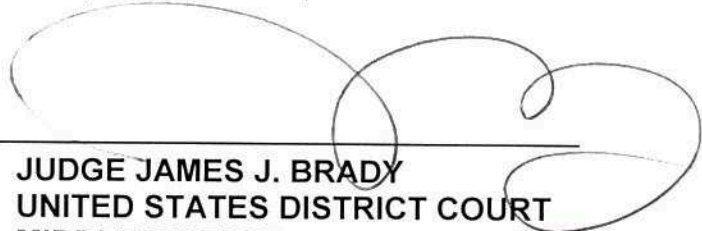
**RULING**

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 Richard L. Bourgeois, Jr. dated September 25, 2017 (R. Doc. 34) 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 defendants Motion to Dismiss (R. Doc. 15) is GRANTED IN PART, and the plaintiff's claims for monetary damages, asserted against the defendants in their official capacities, are DISMISSED. Further, plaintiff's equal protection and due process claims are DISMISSED, with prejudice, for failure to state a claim upon which relief may be granted, and supplemental jurisdiction over the plaintiff's state law claims are declined. Further, in all other regards, the defendants' Motion (R. Doc. 15) is DENIED, and this matter is referred back to the magistrate judge for further

proceedings regarding the plaintiff's Eighth Amendment claims asserted against defendants Vannoy, Cain, Vittorio, and LeBlanc.

Signed in Baton Rouge, Louisiana, on October 16, 2017.



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