

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LIDIO CALZADILLA (#102417)

CIVIL ACTION

VERSUS

NO. 17-599-JWD-RLB

JASON KENT, ET AL.

AMENDED OPINION

The Court has reviewed the entire record in this case, including Plaintiff's Objection, (Doc. 13), and the Magistrate Judge's Report and Recommendation dated June 20, 2018, (Doc. 11).

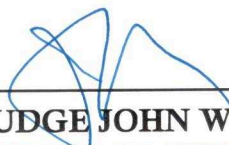
The Magistrate Judge recommended, among other things, dismissing Plaintiff's claims as to Dr. Robert Cleveland and Nurse Travis Day because the Complaint failed to allege sufficient personal involvement by these Defendants. Plaintiff's Objection expands upon the allegations in the Complaint, claiming that these Defendants were personally involved in the conduct at issue. Without expressing an opinion on whether the additional allegations in the Objection are sufficient to state a claim, the Court opts to grant Plaintiff leave to file a single, comprehensive Amended Complaint setting forth all of his allegations. Therefore:

IT IS ORDERED that Defendants' Motion, (Doc. 8) is granted in part, and Plaintiff's claims against Defendants Dr. Robert Cleveland and Nurse Travis Day, and Plaintiff's claims against Defendant Warden Jason Kent in his official capacity, are dismissed. In all other regards, the Motion is denied.

IT IS FURTHER ORDERED that the dismissal of Plaintiff's claims against

Dr. Robert Cleveland and Nurse Travis Day is with leave to amend.¹ Plaintiff is granted leave to file a single, comprehensive Amended Complaint within twenty-one (21) days of the date of this Amended Opinion. The Amended Complaint shall be complete and shall not refer back to any prior filings. Failure to timely file an Amended Complaint may result in the dismissal of this action.

Signed in Baton Rouge, Louisiana, on August 1, 2018.



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

¹ Leave to amend is DENIED with respect to Plaintiff's claims against Warden Kent in his official capacity, as leave to amend would be futile.