

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JEFFERY SAVAGE (#196217)

CIVIL ACTION

VERSUS

JOSEPH LAMARTINIERRE, ET AL.

NO.: 18-831-BAJ-RLB

RULING AND ORDER

Before the Court is the **Magistrate Judge's Report and Recommendation** (Doc. 44) pursuant to 28 U.S.C. § 636(b)(1). The Report and Recommendation addresses Defendants' **Motion to Dismiss Plaintiff's First Amended Complaint** (Doc. 16). Plaintiff, Jeffery Savage, is a *pro se* plaintiff confined at the Louisiana State Penitentiary ("LSP"), Angola, Louisiana. The moving Defendants seek dismissal for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure with respect to Plaintiff's claim against Defendants in their official capacities. Defendants also seek dismissal under Rule 12(b)(6) for failure to state a claim upon which relief may be granted.

The Magistrate Judge recommended that Defendants' **Motion to Dismiss** (Doc. 16) be granted in part, dismissing Plaintiff's claims asserted against Defendants in their official capacities for compensatory damages, with prejudice. The Magistrate Judge further recommended that in all other regards Defendants' **Motion to Dismiss** (Doc. 16) be denied, and that this matter be referred back to the Magistrate Judge for further proceedings.

The Report and Recommendation notified the parties that, pursuant to 28 U.S.C. § 636(b)(1), they had fourteen (14) days from the date they received the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. *See (Doc. 44)*. No objection was filed. Having carefully considered the underlying Complaint, the instant motions, and related filings, the Court approves the Magistrate Judge's Report and Recommendation, and hereby adopts its findings of fact, conclusions of law, and recommendation.

Accordingly,

**IT IS ORDERED** that the Magistrate Judge's Report and Recommendation (*Doc. 44*) is ADOPTED as the Court's opinion herein.

**IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss Plaintiff's First Amended Complaint (*Doc. 16*) is GRANTED IN PART, to the extent that Plaintiff's claims against Defendants in their official capacities for compensatory damages are DISMISSED.

**IT IS FURTHER ORDERED** that Defendants' Motion to Dismiss Plaintiff's First Amended Complaint (*Doc. 16*) is DENIED IN PART, as it relates to all other claims brought by Plaintiff against Defendants.

IT IS FURTHER ORDERED that this matter be referred to the Magistrate Judge for further proceedings.

Baton Rouge, Louisiana, this 8<sup>th</sup> day of October, 2019.



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JUDGE BRIAN A. JACKSON  
UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA