

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

WILLIE E. BERRY, JR. (#354431)

CIVIL ACTION

VERSUS

NO. 21-27-JWD-RLB

JOHN ORR, ET AL.

OPINION

After independently reviewing the entire record in this case and for the reasons set forth in the Magistrate Judge's Report dated August 19, 2021 (Doc. 12), to which an objection was filed and considered, (Doc. 13),

IT IS ORDERED that the defendants' Motion to Dismiss (R. Doc. 7) is granted, in part, dismissing: (1) the plaintiff's claims against defendant Falgout, in their entirety, with prejudice; and (2) the plaintiff's claims regarding the issuance of a false disciplinary report and errors in his disciplinary proceeding against defendants Jones and Orr, with prejudice.

IT IS FURTHER ORDERED that, in all other regards, the defendants' Motion is denied, and that this matter be referred back to the Magistrate Judge for further proceedings herein regarding the plaintiff's claims for conspiracy, excessive force, and deliberate indifference.

IT IS FURTHER ORDERED that the plaintiff be given 21 days to amend his Complaint to allege facts as to physical injuries sustained, if any, due to the alleged use of excessive force and deliberate indifference to his serious medical needs.

Signed in Baton Rouge, Louisiana, on September 9, 2021.



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