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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

GETZELL J. MURRELL, SR.,
Plaintiff

CIVIL ACTION NO.03-0257
SECTION "P"

VERSUS

JUDGE DEE D. DRELL

CARL CASTERLINE, et al.,
Defendants

MAGISTRATE JUDGE JAMES D. KIRK

J U D G M E N T


For the reasons contained in the Report and Recommendation of the Magistrate Judge previously filed herein, and after independent (de novo) review of the record including the objections filed herein, and having determined that the findings and recommendation are correct in part under the applicable law;

IT IS ORDERED that plaintiff's motion for summary judgment (Doc. 299) is DENIED AND DISMISSED WITH PREJUDICE.

In so ruling, we adopt the correct result of the Report and Recommendation but not its reasoning. The case deadlines had been stayed pending decision on defendant's motion for summary judgment. No new dispositive motions date was set because the defendant's motion for summary judgment was granted. Nevertheless, the present motion for summary judgment must be denied. There are far too many genuine disputes as to material facts for any motion for summary judgment to be seriously considered. A new trial setting which only places this litigation in the same position as before transfer is appropriate. The only motions which may now be filed are motions in limine on evidence, no later than 30 days before trial.

Trial will be fixed by separate order.

THUS ORDERED AND SIGNED in Chambers at Alexandria, Louisiana,
on this 28th day of March, 2012.



DEE D. DRELL
UNITED STATES DISTRICT JUDGE