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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

LOVE ALTONIO BROOKS

CIVIL ACTION NO. 1:07-cv-00131

-vs-

JUDGE DRELL

WARDEN FREDRICK MENIFEE, et al.

MAGISTRATE JUDGE KIRK

ORDER

For written reasons given by separate ruling on this date, the Court hereby enters the following dispositions:

- (1) the Motion to Dismiss and for Summary Judgment (**Doc. 31**) filed by the defendants, Fredrick Menifee *et al.*, is **DENIED**;
- (2) the Motion for Summary Judgment (**Doc. 37**) filed by the plaintiff, Love Altonio Brooks ("Mr. Brooks") is **DENIED**; and
- (3) the Report and Recommendation (**Doc. 42**) issued by the magistrate judge will be **ADOPTED IN PART**, as specified in the Court's ruling.

IT IS FURTHER ORDERED that, because the defense of prescription has not been waived, and because the issue of whether state tolling provisions or the federal equitable tolling doctrine are applicable in this case has not been resolved, the Court will hold an evidentiary hearing limited to consideration of that issue on **April 16, 2010, at 11:00 A.M.** **IT IS FURTHER ORDERED** that Mr. Brooks will be present at this hearing.

SIGNED on this 4th day of March, 2010 at Alexandria, Louisiana.


DEE D. DRELL
UNITED STATES DISTRICT JUDGE