

RECEIVED**FEB - 5 2013**TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA, LOUISIANAUNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION

KEVIN JONES,
PlaintiffCIVIL ACTION NO.11-2150
SECTION "P"

VERSUS

JUDGE DEE D. DRELL

CATAHOULA CORRECTIONAL
CENTER WARDEN PAT BOOK, 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 under the applicable law;

IT IS ORDERED that defendants' motion for summary judgment (Doc. 18) is DENIED.

In so ruling, we note that much of defendants' argument would suggest it was plaintiff's burden to show that defendants were not entitled to summary judgment. That is obviously incorrect. The Magistrate Judge was correct in his analysis of the stock and boilerplate statements in the movant's submissions purporting to support summary judgment. Additionally, even if the motion to

strike had any merit, summary judgment would still be denied. Accordingly, the newly filed "Motion to Review and/or Appeal the Denial of the Motion to Strike" (Doc. No. 34) is DENIED as moot.

THUS ORDERED AND SIGNED in Chambers at Alexandria, Louisiana,
on this 4TH day of FEBRUARY, 2013.



CHIEF JUDGE DEE D. DRELL
UNITED STATES DISTRICT JUDGE