

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

ALEXANDRIA DIVISION SECTION P

ROBERT DAVIS

CIVIL ACTION 1:16-CV-01534

VERSUS

JUDGE TRIMBLE, JR.

SANDY MCCAIN, *et al.*

MAGISTRATE JUDGE PEREZ-MONTES

MEMORANDUM ORDER

Plaintiff Davis filed a Motion for Temporary Restraining Order and Preliminary Injunction (Doc. 39). Pursuant to the Report and Recommendation on that motion (Doc. 45),


IT IS ORDERED that Davis' Motion for a Temporary Restraining Order (Doc. 39) is DENIED.

IT IS FURTHER ORDERED that this case is REMANDED to the Magistrate Judge for the purpose of holding an evidentiary hearing and issuing a second report and recommendation on the issue of whether a preliminary injunction should be issued to enjoin smoking indoors at the Raymond Laborde Correctional Center in Cottonport, Louisiana (Doc. 39).

IT IS FURTHER ORDERED that Plaintiff's Petitions for Writs of Habeas Corpus *ad Testificandum* (Docs. 40, 41), to have inmate Plaintiff Robert Davis and inmate witness Nolan Davis appear to testify at the evidentiary hearing, are GRANTED. The writs of habeas corpus will be issued after the hearing is scheduled.

THUS DONE AND SIGNED in chambers in Alexandria, Louisiana, this

8th day of January, 2018.



James T. Trimble, Jr.
United States District Judge