

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

KELVIN MOSES #600226

CASE NO. 2:17-CV-01595 SEC P

VERSUS

JUDGE JAMES D. CAIN, JR.

GEO ET AL

MAGISTRATE JUDGE KAY

JUDGMENT

Before the court is a Report and Recommendation [doc. 28] filed by Magistrate Judge Kathleen Kay on a Motion for Summary Judgment [doc. 25] filed by Keith Cooley and Terry Langley, the only remaining defendants in this civil rights suit filed by Louisiana Department of Corrections inmate Kelvin Moses. Moses did not oppose the Motion for Summary Judgment and has not filed any objection to the Magistrate Judge's Report and Recommendation. His time for doing so has now passed.

Upon review of the Report and Recommendation, the undersigned determines that the findings of fact and conclusions of law are correct under the applicable law except in one respect: the recommendation that the claims in this matter be dismissed without prejudice. Langley and Cooley have succeeded in showing that there is no genuine issue of material fact and that Moses cannot prevail on his claims of constitutional violations under 42 U.S.C. § 1983. The claims should instead be dismissed with prejudice. Accordingly,

The Report and Recommendation [doc. 28] is **ACCEPTED IN PART** and **REJECTED IN PART** as described above. **IT IS HEREBY ORDERED, ADJUDGED,**

AND DECREED that the Motion for Summary Judgment [doc. 25] be **GRANTED** and that all remaining claims in this matter be **DISMISSED WITH PREJUDICE**, with the parties to bear their own costs.

THUS DONE in Chambers on this 28 day of August, 2019.



JAMES D. CAIN, JR.
UNITED STATES DISTRICT JUDGE