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UNITED STATES DISTRICT COURT  
 WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

BRIAN K. STANLEY

CIVIL ACTION NO. 09-0863

VERSUS

JUDGE ROBERT G. JAMES

OUACHITA CORRECTIONAL  
 CENTER, ET AL.

MAG. JUDGE KAREN L. HAYES

RULING

Pending before the Court is *pro se* Plaintiff Brian K. Stanley's ("Stanley") civil rights Complaint. In his Complaint, Stanley asserts claims related to (1) unsafe conditions at the Ouachita Correctional Center ("OCC"), (2) inadequate medical care, and (3) a failure to protect him from inmate violence. [Doc. No. 1]. On July 28, 2009, Magistrate Judge Karen L. Hayes issued a Report and Recommendation recommending his Complaint be dismissed with prejudice as frivolous and for failing to state a claim for which relief may be granted. [Doc. No. 8].

On August 10, 2009, Stanley filed an Objection to the Report and Recommendation. [Doc. No. 9]. Although Stanley previously alleged that he was injured as a result of a slip and fall at the OCC, he alleges for the first time in his Objection that he broke his neck when he fell:

[T]he injury the defendant sustained, which is a basis for this suit, was also a broke neck and/or fractured neck. A broke or fractured neck prevents the normal movement and use of the neck through enourmas [sic] pain and agony . . . . [T]he neck injury makes all attempts of normal actions of the head and/or neck unobtainable. For instance, the normal position during sleep is constantly interrupted [sic] by exscruciating [sic] pain in the neck causing sharp pains to be distributed throughout the neck/spinal cord area which are uncontrollable.


[Doc. No. 9, p. 2].

Based on Stanley's new factual allegations, the Court **DECLINES TO ADOPT** the portion

of the Report and Recommendation analyzing Stanley's claim of inadequate medical care. The Court ADOPTS the Report and Recommendation, to the extent it analyzes Stanley's claims related to unsafe conditions at the OCC and a failure to protect him from inmate violence, and those claims are DISMISSED WITH PREJUDICE.

Stanley's claim of inadequate medical care is REMANDED to Magistrate Judge Hayes for further proceedings and to issue a supplemental Report and Recommendation..

MONROE, LOUISIANA, this 14 day of September, 2009.

  
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ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE