

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**  
**MONROE DIVISION**

**ZAYMEIN K. CRAIG**

**\* CIVIL ACTION NO. 12-0726**

**VERSUS**

**\* JUDGE ROBERT G. JAMES**

**RICHARD DEVILLE, ET AL.**

**\* MAG. JUDGE KAREN L. HAYES**

**J U D G M E N T**

The Report and Recommendation of the Magistrate Judge having been considered, no objections thereto having been filed, and finding that same is supported by the law and the record in this matter,

IT IS ORDERED, ADJUDGED, AND DECREED that the Motion to Dismiss under F.R.C.P. 12(b)(6) and Motion for Summary Judgment under F.R.C.P. 56 [Doc. No. 28] filed by Defendants Nurse Debbie Westrup (incorrectly named in the complaint as “Debbie Wstup”), Captain Robert McKeithen, Warden Richard Deville, and Lieutenant Adam May is hereby GRANTED IN PART and DENIED IN PART. To the extent that Defendants move to dismiss under Rule 12(b)(6), the motion is DENIED. To the extent that Defendants move for summary judgment under Rule 56, the motion is GRANTED based on Plaintiff’s failure to exhaust administrative remedies, but is otherwise DENIED. Plaintiff’s claims against all Defendants, including LCS Correction Services, Inc., are DISMISSED WITHOUT PREJUDICE, but Plaintiff’s claims are DISMISSED WITH PREJUDICE for purposes of proceeding in forma pauperis pursuant to 28 U.S.C. § 1915(d).

MONROE, LOUISIANA, this 31<sup>st</sup> day of May, 2013.

  
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ROBERT G. JAMES  
UNITED STATES DISTRICT JUDGE