

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

CLAUDE D. COLLINS

CIVIL ACTION

VERSUS

**NO. 07-8220 c/w
09-2734**

JUDGE DRAKE, ET AL.

SECTION "K"(5)

ORDER AND REASONS

Before the Court is petitioner Claude Collins's Objection to the Report and Recommendation of the Magistrate Judge. (Rec. Doc. 40) ("Objection"). In his Complaint (Rec. Doc. 1), which was written on a form provided to state prisoners for filing suit pursuant to 42 U.S.C. § 1983, Collins alleges that the named defendants "all had a conflict against [him] of hate." Without citing any factual basis for his complaint or legal precedent, Collins added in his Objection that the defendants had a vendetta against him. (Objection at 2).

Subject to a timely objection to the magistrate judge's findings and recommendation, the district court "shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1) (2009). "A judge of the court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. The judge may also receive further evidence or recommit the matter to the magistrate judge with instructions." *Id.*

This Court, having considered the petition, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the objections to the Magistrate Judge's Report and Recommendation, finds that the Report and Recommendation were factually and legally correct. Plaintiff's objections have no factual support, and they do not raise any legal

issues that require any further consideration. Therefore, this Court hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its own opinion.

The Court advises the Plaintiff that the only Defendants remaining in this case are the three Hammond police officers (Melvin, Brady, and Rodney). This opinion essentially replicates what was previously ordered by this Court (Civ. A. No. 07-8220, Rec. Doc. 21). Plaintiff should not file any additional cases against these Defendants arising from the same facts. Accordingly,

IT IS ORDERED that Plaintiff's § 1983 claims against the defendants, the 21st Judicial Tangipahoa Parish Court and Tangipahoa Parish Public Defender Tom Frierson, are **DISMISSED WITH PREJUDICE** as frivolous and otherwise for failure to state a claim for which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2) and § 1915A.

IT IS FURTHER ORDERED that plaintiff's § 1983 claims against Tangipahoa Parish Judge Ernest G. Drake, Jr., Tangipahoa Parish District Attorney Scott Perrilloux and Assistant District Attorney Angel Monistere, and the State of Louisiana are **DISMISSED WITH PREJUDICE** as frivolous, for failure to state a claim for which relief can be granted, and for seeking relief against an immune defendant pursuant to 28 U.S.C. § 1915(e)(2) and § 1915A.

New Orleans, Louisiana, this 27th day of August, 2009.



STANWOOD R. DUVAL, JR.
UNITED STATES DISTRICT JUDGE