

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

CLAUDE D. COLLINS

CIVIL ACTION

VERSUS

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

JUDGE DRAKE

SECTION "K"(5)

ORDER AND OPINION

Before the Court is petitioner Claude D. Collins's "Petition of Writ Mandamus Objection Report and Recommendation" (Doc. 50). Petitioner objects to Magistrate Judge Alma L. Chalez's recommendation that petitioner's claim pursuant to 42 U.S.C. §1983 for violation of his civil rights in connection with his arrest and conviction for possession of marijuana and possession with intent to distribute crack cocaine and his subsequent incarceration be dismissed with prejudice. The gravamen of petitioner's objection is that defendant law enforcement officers O.B. Melvin, Jr., Matthew Brady, and Rodney Gemar lacked probable cause to arrest him and that he should be released from incarceration.


Subject to a timely objection to the magistrate judge's findings and recommendations, 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)(2010). "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.*

The 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 was factually and legally correct. Petitioner'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.

IT IS ORDERED that Claude D. Collins's claims against defendants O.B. Melvin, Jr., Matthew Brady, and Rodney Gemar are **DISMISSED WITH PREJUDICE**.

New Orleans, Louisiana, this 25th day of March, 2010.



STANWOOD R. DUVAL, JR.
UNITED STATES DISTRICT JUDGE