

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

WALTER LEMIEUX

CIVIL ACTION

VERSUS

NO. 08-965

RUSSELL S. STEGEMAN

SECTION: "S"(4)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file an objection to the Magistrate Judge's Report and Recommendation, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

IT IS ORDERED that plaintiff's § 1983 claim against Russell S. Stegeman is **DISMISSED WITH PREJUDICE** as frivolous pursuant 28 U.S.C. § 1915(e)(2)(B)(i).

IT IS FURTHER ORDERED that plaintiff's state law claims are **DISMISSED WITHOUT PREJUDICE**.

New Orleans, Louisiana, this 23rd day of January, 2009.


UNITED STATES DISTRICT JUDGE