

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

KENYOTTA C. JACKSON

CIVIL ACTION

VERSUS

NO: 08-1537

BOBBY JO BRELAND - CSO II, LT. COLONEL
DUNAWAY, JEFFREY TRAVIS - WARDEN,
RICHARD STALDER - EX-SECRETARY,
LARRY GROW - DIRECTOR LEGAL
PROGRAMS, JAMES LEBLANC - SECRETARY

SECTION "F" (4)

ORDER

The court, having considered the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of the plaintiff 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 the claims brought by the plaintiff, Kenyotta Jackson, pursuant to 42 U.S.C. § 1983 seeking monetary relief against the defendants, Correctional Officer Bobby Joe Breland, Lieutenant Colonel Dunaway, Warden Jeffrey Travis, Director Larry Grow, Major John Gerald, Louisiana Department of Corrections Secretary James LeBlanc, and former Department of Corrections Secretary Richard Stalder, each in their official capacity, are **DISMISSED WITHOUT PREJUDICE** as frivolous for lack of jurisdiction and for seeking monetary relief against defendants who are immune from suit pursuant to 28 U.S.C. § 1915(e) and § 1915A and 42 U.S.C. § 1997e.

IT IS FURTHER ORDERED that the plaintiff's § 1983 claims for prospective injunctive and declaratory relief against the defendants, Breland, Dunaway, Travis, Grow, Gerald, LeBlanc, and

Stalder, each in their official capacity, and the plaintiff's § 1983 claims against these defendants in their individual capacities are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust administrative remedies as required by 42 U.S.C. § 1997e.

IT IS FURTHER ORDERED that the plaintiff's state law claims are **DISMISSED WITHOUT PREJUDICE** because the Court declines to exercise its supplemental jurisdiction.

New Orleans, Louisiana, this 19th day of Oct., 2009.

Nautilia C. Feldman
UNITED STATES DISTRICT JUDGE