

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

MANUEL DALE PLAISANCE

VERSUS

FRED S. BOWLES, ET AL

CIVIL ACTION

NO. 08-5053

SECTION "J"(4)

ORDER

The court, having considered 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 (Rec. D. 5), hereby overrules the objections and approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

IT IS ORDERED Plaintiff's Objections to the Magistrate Judge's Report and Recommendation (Doc.4) are **OVERRULED**.

IT IS FURTHER ORDERED that Manuel Dale Plaisance's 42 U.S.C. § 1983 claims against the defendants, Judge Fred S. Bowles, Judge H. Charles Gaudin, Judge Charles Grisbaum, Judge Edward A. Dufrense, Jr., Judge Thomas C. Wicker, Jr., Judge Sol Gothard, Judge James L. Canella, Judge Thomas J. Kliebert, Judge Thomas F. Daley, Judge Susan M. Chehardy, Judge Marion F. Edwards, Judge Clarence E. McManus, Judge Walter J. Rothschild, Clerk of Court Peter J. Fitzgerald, Jerrold Peterson, Kathi Workman, "Tina Doe," "Roz Doe," Cheryl Landrieu, Carol Treuting, Jennifer Cooper, and Leslie Langhetter; each in their individual capacities, are **DISMISSED WITH PREJUDICE** for failure to state a claim for which relief can be granted, and

otherwise for seeking relief against an immune defendant pursuant 28 U.S.C. §§ 1915 and 1915A, and 42 U.S.C. § 1997e.

IT IS FURTHER ORDERED that Plaisance’s § 1983 claims against Judges Bowles, Gaudin, Grisbaum, Dufrense, Wicker, Gothard, Canella, Kliebert, Daley, Chehardy, Edwards, McManus, and Rothschild; and defendants Fitzgerald, Peterson, Workman, “Tina Doe,” “Roz Doe,” Landrieu, Treuting, Cooper, and Langhetter; each in their official capacities, are **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction under the Eleventh Amendment and otherwise for failure to state a claim for which relief can be granted under federal law.

IT IS FURTHER ORDERED that Plaisance’s state law claims are **DISMISSED WITHOUT PREJUDICE** because this Court declines to exercise its supplemental jurisdiction under 28 U.S.C. § 1367.

New Orleans, Louisiana, this __22nd____ day of _____December____, 2009.


UNITED STATES DISTRICT JUDGE