

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

**DARREN MILLER  
VERSUS  
SHERIFF M. GUSMAN/OPSO**

**CIVIL ACTION  
NO. 08-5201  
SECTION "S"(3)**

**ORDER**

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the 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 Darren Miller's 42 U.S.C. § 1983 claims against the defendant, Sheriff Marlin N. Gusman, be 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)(b) and § 1915A.

New Orleans, Louisiana, this 28<sup>th</sup> day of April, 2009.

  
UNITED STATES DISTRICT JUDGE