

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ANDREW DAVID WETZEL

CIVIL ACTION

VERSUS

NO. 09-0014

SLIDELL POLICE DEPARTMENT, ET AL.

SECTION "J" (3)

O R D E R

The Court, having considered the complaint, the record, the applicable law, the Magistrate Judge's Partial Report and Recommendation (Rec. Doc. 5), and the Plaintiff's objections thereto (Rec. Doc. 6), 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 claims against the Slidell Police Department¹ and the City of Slidell are **DISMISSED WITH PREJUDICE** as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b)(1).²

¹ The Court notes that in addition to the reasons in the Magistrate Judge's Report and Recommendations for dismissing the claims against the Slidell Police Department, Plaintiff has asked in his Objections that the Slidell Police Department be dismissed from these proceedings.

²Plaintiff is also advised, for future consideration, that 28 U.S.C. § 1915 ("Proceeding in forma pauperis"), subsection (g) provides that: "In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more occasions, while

New Orleans, Louisiana, this 10th day of February, 2009.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE

incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury."