

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA
2010 MAY 20 PM 2:54
LORETTA S. RHYTE
CLERK

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

RONALD STANFIELD JR.

CIVIL ACTION

VERSUS

NO. 09-7183

MARLIN GUSMAN SHERIFF

SECTION "D"(4)

ORDER

The court, having considered 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 filed by the plaintiff on April 30, 2010, 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 Ronald Stanfield Jr.'s 42 U.S.C. § 1983 claim against Sheriff Marlin Gusman challenging the seizure of his prayer rug is **DISMISSED WITHOUT PREJUDICE** as malicious pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

IT IS FURTHER ORDERED that Stanfield's § 1983 claims against Sheriff Gusman challenging the conditions of his confinement are **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim for which relief can be granted pursuant to 28 U.S.C. § 1915(e) and § 1915A, and 42 U.S.C. § 1997e.

New Orleans, Louisiana, this 20 day of MAY, 2010.


UNITED STATES DISTRICT JUDGE