

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

**ANTHONY MARTIN GROVES**

**VERSUS**

**MARLIN GUSMAN, ET AL.**

**CIVIL ACTION**

**NO. 09-7431**

**SECTION "N" (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.

Accordingly,

**IT IS ORDERED** that Anthony Martin Grove's § 1983 claims should 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) and § 1915A and 42 U.S.C. § 1997e as follows:

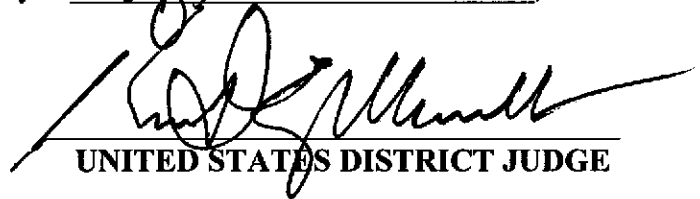
- The **Conditions of Confinement** claim against Sheriff Gusman and Chief Weaver is **DISMISSED** as frivolous fo failure to state a Constitutional claim.
- The **Equal Protection** claim against Sheriff Gusman and Chief Weaver regarding the selection of tier representatives is **DISMISSED** as frivolous for failure to state a claim..
- Any **Free Exercise** claim which accrued prior to October 31, 2008, is **DISMISSED** as time-barred.

- The **Excessive Force** claim against Officer Crump and Officer Johnson is **DISMISSED** as frivolous, for failure to allege a physical injury.
- All claims against former Sheriff Charles Foti are **DISMISSED** as time-barred.

**IT IS FURTHER ORDERED** that Groves's claim alleging the **violation of his right to privacy** regarding his legal mail is **DISMISSED** based upon the voluntary representation of Groves.

**IT IS FURTHER ORDERED** the claim regarding the alleged **violation of his First Amendment Right to the Free Exercise of Religion** which accrued after October 31, 2008 as alleged is not frivolous and shall proceed forward.

New Orleans, Louisiana, this 15<sup>th</sup> day of April, 2011.

  
UNITED STATES DISTRICT JUDGE