

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

LOUIS WILBERT BOYD, JR.

CIVIL ACTION

VERSUS

NO: 09-7508

KELLY LASHER

SECTION: R

ORDER

Before the Court are Louis Wilbert Boyd, Jr.'s complaint (R. Doc. 1) and his objections (R. Doc. 9) to the Magistrate Judge's Report and Recommendation that the petition be dismissed with prejudice as frivolous (R. Doc. 8). The Court, having reviewed *de novo* the petition, the record, the applicable law, the Magistrate Judge's Report and Recommendation, and the petitioner's objections thereto, hereby approves the Magistrate Judge's Report and Recommendation and adopts it as its opinion.

Boyd's objection consists of a simple declaration, without any supporting evidence or analysis, that his claims are legitimate and supported by the record. He makes no attempt to identify how the record supports his claims, nor does he point out any flaws with the extensive analysis of the Magistrate Judge that reached the opposite conclusion. This is plainly insufficient to save his claim.

In addition to this objection, Boyd contends that he does not have access to an adequate law library and thus does not have meaningful access to the courts. Boyd brought this very claim

before another judge of this Court, who rejected it because an access-to-justice claim requires a showing of prejudice and Boyd could not demonstrate prejudice because his underlying claim was legally frivolous.¹ Boyd's claim that he lacks meaningful access to the courts here is rejected for the same reason.

Accordingly,

Louis Wilbert Boyd Jr.'s complaint is hereby DISMISSED WITH PREJUDICE.

New Orleans, Louisiana, this 5th day of May, 2010.



SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

¹ *Boyd v. Nowack*, No. 09-7639, 2010 WL 892995, at *4 (Mar. 11, 2010) (Africk, J., adopting Magistrate Judge ruling); see also *Chriceol v. Phillips*, 169 F.3d 313, 317 (5th Cir. 1999) (access-to-justice claim requires actual injury).