

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

TROY ALLEN BENNETT

CIVIL ACTION

VERSUS

NO. 10-3295

**RAYBURN CORRECTION CENTER
WARDEN ROBERT TANNER, ET AL.**

SECTION "S"(1)

O R D E R

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file an objection to the Magistrate Judge's Report and Recommendation, hereby finds that plaintiff did not state a claim actionable under 42 U.S.C. § 1983. Section 1983 affords a remedy only for violations of "rights, privileges, or immunities" secured by the Constitution and the laws of the United States. Plaintiff claims involve accidental damage to his partial plate, which is not a violation of his "rights, privileges, or immunities" secured by the Constitution or the laws of the Untied States. Further, to the extent that plaintiff asserts a tort claim under Louisiana law, the court declines to exercise supplemental jurisdiction over his state law claim. See 28 U.S.C. § 1337(c)(3) ("The district court may decline to exercise supplemental jurisdiction over a claim . . . if . . . the district court has dismissed all claims over which it has original jurisdiction.").

IT IS ORDERED that plaintiff's federal civil rights claims are **DISMISSED WITH PREJUDICE** as for failing to state a claim on which relief may be granted.

IT IS FURTHER ORDERED that plaintiff's state law claims are **DISMISSED WITHOUT PREJUDICE**.

New Orleans, Louisiana, this 21st day of December, 2010.


UNITED STATES DISTRICT JUDGE