

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

HENDERSON FORD

CIVIL ACTION

VERSUS

NO. 11-2950 c/w 12-422

MARLIN GUSMAN ET AL.

SECTION "C" (2)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, the taped recording of the March 29, 2012, hearing, and the plaintiff's objections 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. The Magistrate Judge applied the proper standard in considering the plaintiff's medical care claims. The plaintiff is advised that *Hare v. City of Corinth, MS*, 74 F.3d 633 (5th Cir. 1996) was an *en banc* decision, thereby overruling any contrary panel opinion and that, in addition, the case of *Grabowski v. Jackson County Public Defenders Office*, 47 F.3d 1386 (5th Cir. 1996) was vacated when the case was reheard *en banc* at 79 F.3d 489 (5th Cir. 1996). In addition, the Court finds no error in the dismissal of the motions to compel and for default judgment, motion for class action, motion for assistance of counsel and/or motion for reconsideration. Therefore,

IT IS ORDERED that plaintiff's complaints are hereby **DISMISSED WITH PREJUDICE** as legally frivolous and/or for failure to state a claim under Fed. R. Civ. P. 12(b)(6), 28 U.S.C. § 1915(e)(2) and 42 U.S.C. § 1997e(c)(1), as applicable.

New Orleans, Louisiana, this 2nd day of July, 2012.



UNITED STATES DISTRICT JUDGE