

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CHARLES ALVIN CUMMINGS, JR.

CIVIL ACTION

VERSUS

NUMBER: 13-4319

MARK McCORMICK, ET AL.

SECTION: "I"(5)

ORDER


The Court, having considered the complaint, the record, the applicable law, and the U.S. Magistrate Judge's Report and Recommendation, hereby approves the Magistrate Judge's Report and Recommendation and adopts it as its opinion herein.

Accordingly,

IT IS ORDERED that plaintiff's complaint is dismissed with prejudice under 28 U.S.C. §1915(e)(2)(B)(i) and (ii).

IT IS FURTHER ORDERED that the motion to voluntarily dismiss is **DENIED**.¹

New Orleans, Louisiana, this 21st day of June, 2013.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE

¹ See *Hines v. Graham*, 320 F. Supp. 2d 511 (N.D. Tex. 2004).