

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JAMES JERROD SPIKES

CIVIL ACTION

VERSUS

NO. 14-1895 c/w 14-2839

JASON WILLIAMS ET AL.

SECTION "H" (2)
(applies to all)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the Plaintiff's 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.

Additionally, this Court has independently reviewed Petitioner's Complaint in the related matter, *Spikes v. Williams et al.*, No. 14-1895, and holds that the Magistrate Judge's analysis in the Report and Recommendations adopted herein likewise applies to dismiss Plaintiff's allegations in the related matter. Plaintiff's Complaints in both cases arise out of the same August 5, 2013 incident. His Complaint in the earlier filed matter was not signed until August 9, 2014. He therefore could not have placed it in the mail within a year of the incident at issue, and his claim is therefore prescribed and untimely.

Accordingly;

IT IS ORDERED that Plaintiff's complaints in both consolidated matters are hereby **DISMISSED WITH PREJUDICE** as legally frivolous under 28 U.S.C. § 1915(e)(2) because his claims are barred by the applicable statute of limitations.

New Orleans, Louisiana, this 17th day of April, 2015.



JANE TRICHE MILAZZO
UNITED STATES DISTRICT JUDGE