

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

JAMES JERROD SPIKES

CIVIL ACTION

VERSUS

NO: 14-2246

RANDY SEAL, ET AL.

SECTION: R(1)

**ORDER AND REASONS**

Before the Court is plaintiff James Spikes's complaint,<sup>1</sup> the Magistrate Judge's Report and Recommendation,<sup>2</sup> and Spikes's objections to the Report and Recommendation.<sup>3</sup> The Magistrate judge recommends that Spikes's claims against Sheriff Randy Seal for authorizing searches and for vicarious liability against Seal arising from a dog bite be dismissed with prejudice as frivolous and/or for failing to state a claim for which relief may be granted; that Spikes's claims against District Attorney Walter Reed and Assistant District Attorney Leanne Wahl be dismissed as frivolous for failing to state a claim on which relief may be granted, and/or for seeking monetary damages against defendants who are immune from such relief; and that Spikes's false arrest claim against Sheriff Randy Seal and the claims against Warden Jim Miller and Deputy Sheriff Kendell Temple be stayed until Spikes's state criminal charge is resolved. The Court, having reviewed *de novo* Spikes's complaint, the record, the applicable law, the Magistrate

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<sup>1</sup> R. Doc. 1.

<sup>2</sup> R. Doc. 8.

<sup>3</sup> R. Doc. 10.

Judge's Report and Recommendation, and Spikes's objections to the Report and Recommendation, approves the Report and Recommendation and adopts it as its opinion, with the addition of the following discussion.

In his objections, Spikes does not challenge the precedent cited by the Magistrate Judge or raise any arguments disputing the Magistrate Judge's analysis. Instead, he simply reiterates allegations set forth in his complaint. The Magistrate Judge adequately addressed each of these allegations, and the Court need not reiterate her analysis.

Accordingly, IT IS ORDERED that the claim against Sheriff Randy Seal for authorizing the searches and the vicarious liability claim against Seal arising from the dog bite be DISMISSED WITH PREJUDICE as frivolous and/or for failing to state a claim on which relief may be granted.

It is FURTHER ORDERED that the claims against District Attorney Walter Reed and Assistant District Attorney Leanne Wahl be DISMISSED WITH PREJUDICE as frivolous for failing to state a claim on which relief may be granted, and/or for seeking monetary damages against a defendant who is immune from such relief.

It is FURTHER ORDERED that the false arrest claim against Sheriff Randy Seal and the claims against Warden Jim Miller and Deputy Sheriff Kendell Temple be STAYED until Spike's criminal charge is resolved.

It is FURTHER ORDERED that the Clerk of Court be directed to mark this action CLOSED for statistical purposes.

It is FURTHER ORDERED that the Court retains jurisdiction over the stayed claims and that the case be restored to the trial docket upon plaintiff's motion once his criminal proceedings are concluded, so that the claims may proceed to final disposition.

New Orleans, Louisiana, this 24th day of April, 2015.

A handwritten signature in cursive script, reading "Sarah S. Vance", is written over a horizontal line.

SARAH S. VANCE  
UNITED STATES DISTRICT JUDGE