

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

**JOHNATHAN EHREN EMILIEN**

**CIVIL ACTION**

**VERSUS**

**No. 15-359**

**PARISH OF JEFFERSON, ET AL.**

**SECTION: "E"(5)**

**ORDER**

The Court, having considered the complaint, the record, the applicable law, the Magistrate Judge's Report and Recommendation, and the objection to the Magistrate Judge's Report and Recommendation, hereby approves the Magistrate Judge's Report and Recommendation and adopts it as its opinion herein, with one exception. The Court will allow Plaintiff to file an amended complaint naming the proper party defendant(s) for his Section 1983 claim.<sup>1</sup>

Accordingly,

**IT IS ORDERED** that Plaintiff's complaint, insofar as it can be construed as a request for habeas corpus relief, is dismissed without prejudice for failure to exhaust available state court remedies.

**IT IS FURTHER ORDERED** that Plaintiff file an amended complaint naming the proper party defendant(s) for his Section 1983 claim **by August 17, 2015**, or that claim will be dismissed with prejudice.

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<sup>1</sup> See *Basrowx v. Scott*, 136 F.3d 1053, 1054 (5th Cir. 1998) (per curiam).

New Orleans, Louisiana, this 27th day of July, 2015.

*Susie Morgan*

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HONORABLE SUSIE MORGAN  
UNITED STATES DISTRICT JUDGE