

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

EDDIE F. ARMSTRONG

CIVIL ACTION

VERSUS

NO. 15-808

RONAL SERPAS, ET AL.

SECTION "A" (3)

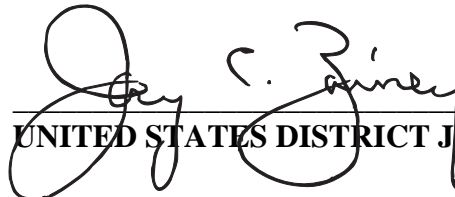
ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the 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. Plaintiff's suggests that prescription should not have run while he continued to receive treatment for his injuries. To the contrary, whether under state or federal law, the statute of limitations is not held in abeyance until the plaintiff becomes "harmed enough." *See Wallace v. Kato*, 549 U.S. 384, 387, 391 (2007).

IT IS ORDERED that Lester C. Marshall's Motion to Dismiss (Rec. Doc. 16) is **GRANTED** and that the claims against that defendant are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the claims against Ronal Serpas be **DISMISSED WITH PREJUDICE** as frivolous pursuant to 28 U.S.C. §§ 1915A(b) and 1915(e)(2)(B).

August 26, 2015


UNITED STATES DISTRICT JUDGE