

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

WESTLEY SIMMONS

CIVIL ACTION

VERSUS

NO. 15-5241

MARLIN N. GUSMAN, ET AL.

SECTION "B"(3)

ORDER


The Court, having considered the complaint, the record, the applicable law, the Partial Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file an objection to the Magistrate Judge's Partial Report and Recommendation, hereby approves the Partial Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

IT IS ORDERED plaintiff's claims challenging the physical conditions of his confinement at the Orleans Parish Prison are **DISMISSED WITH PREJUDICE** as frivolous and/or for failing to state a claim on which relief may be granted.

IT IS FURTHER ORDERED that plaintiff's failure-to-protect claims against Orleans Parish Sheriff Marlin N. Gusman and Bonita J. Pittman are **DISMISSED WITH PREJUDICE** as frivolous and/or for failing to state a claim on which relief may be granted.

IT IS FURTHER ORDERED that plaintiff's failure-to-protect claims against Ms. Turner and R. Brown are allowed to proceed pending further development.

New Orleans, Louisiana, this 18th day of April, 2016.


UNITED STATES DISTRICT JUDGE