

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DESHAWN JONES

CIVIL ACTION

VERSUS

NO. 16-1745

FAVIS SPENCER, ET
AL

SECTION "J"(4)

ORDER

Having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and Petitioner's objections, the Court hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

IT IS ORDERED that the 42 U.S.C. § 1983 claims filed by the plaintiff, DeShawn Jones, against the defendants, the City of New Orleans, the Orleans Parish Police Jury and Orleans Parish and against Orleans Parish Sheriff Marlin Gusman, Secretary James LeBlanc, Nurse Favis Spencer, Nurse Lesia Washington, Warden Chavez Ruiz, and Captain Franklin, each in their individual and official capacity, are **DISMISSED WITH PREJUDICE** as frivolous and otherwise for failure to state a claim for which relief can be granted pursuant to 28 U.S.C. § 1915, § 1915A, and 42 U.S.C. § 1997e.

IT IS FURTHER ORDERED that the **Motion to Dismiss (Rec. Doc. No. 20)** filed by defendant City of New Orleans and the **Motion to Dismiss Pursuant to Rule 12(b)(6) for Failure to State Claim (Rec.**

Doc. No. 30) filed by the defendants Nurse Spencer and Nurse Washington are **DISMISSED as moot**.

New Orleans, Louisiana this 4th day of November, 2016.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE