

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

JACOB LUKE SR.

CIVIL ACTION

VERSUS

NO. 16-13461

CAPT. BEAGRON, ET AL.

SECTION "R" (1)

ORDER

Plaintiff Jacob Luke, Sr. filed this pro se and in forma pauperis civil action pursuant to 42 U.S.C. § 1983. Having reviewed de novo Luke's many submissions, the record, the Magistrate Judge's Report and Recommendation, and Luke's objections, the Court approves the Report and Recommendation and adopts it as its opinion.

Luke objects to dismissal of his claims for inadequate medical care. He argues that it is difficult for an inmate like Luke to identify who denied him medical care. But Luke's claims for inadequate medical care are not being dismissed because Luke did not identify the right defendant. Instead, as explained in the Report and Recommendation, Luke's claims for inadequate medical care are dismissed because Luke cannot meet the high bar of showing that he has "serious medical needs" that are being treated with "deliberate indifference." *Thompson v. Upshur County, Texas*, 245 F.3d.

447, 457 (5th Cir. 2001). This is particularly true because Luke recently told the Court the he has received both an X-ray and an MRI.¹

Accordingly, Jacob Luke, Sr.'s claim against Officer Scott for excessive force and his claim against Amanda Mustin for interfering with Luke's right to counsel may proceed. Luke's claim against Lieutenant Schwausch for false arrest is DISMISSED WITH PREJUDICE to its being asserted again until the *Heck* conditions are met. Luke's remaining claims are DISMISSED WITH PREJUDICE.

New Orleans, Louisiana, this 20th day of April, 2017.


SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

¹ R. Doc. 27; R. Doc. 28.