

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

LEON J. WINSBERRY, III

CIVIL ACTION

VERSUS

NO. 16-13528

**TERREBONNE PARISH CRIMINAL
JUSTICE COMPLEX, ET AL**

SECTION "T" (4)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file an 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. Therefore,

IT IS ORDERED that Leon J. Winsberry, III's claims against the defendants, Terrebonne Parish Criminal Justice Complex, Kelly Gaudet, and Pat Naquin, are **DISMISSED WITH PREJUDICE** as frivolous and otherwise for failure to state a claim for which relief can be granted under 28 U.S.C. § 1915, § 1915A, and 42 U.S.C. § 1997e.

IT IS FURTHER ORDERED that Leon J. Winsberry, III's § 1983 claims against the defendants Corporal Thomas, Lieutenant Authement, and Sergeant Theriot are **DISMISSED WITH PREJUDICE** to their being asserted again until the *Heck v. Humphrey*, 512 U.S. 477 (1994) conditions are met.¹

¹ *Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996)

IT IS FURTHER ORDERED that defendants Kelly Gaudet and Pat Naquin's **Motion to Dismiss for Insufficiency of Service of Process (R. Doc. 19)** is **DENIED AS MOOT**.

New Orleans, Louisiana, this 19th day of December, 2016.



LANCE M. AFRICK
UNITED STATES DISTRICT JUDGE