

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

EARL KEITH HARRIS

CIVIL ACTION

VERSUS

NO. 16-16906

JODY BANKS ET AL.

SECTION "J" (2)

ORDER

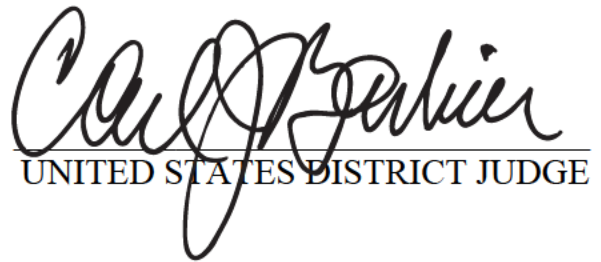
The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of either party to file an objection to the Magistrate Judge's Report and Recommendation, hereby approves the Report and Recommendation of the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

IT IS ORDERED that plaintiff's complaint against Sheriff Newell Normand and his claims against Deputy Banks concerning false prison disciplinary charges are hereby **DISMISSED WITH PREJUDICE** as legally frivolous and/or for failure to state a claim under 28 U.S.C. § 1915(e)(2) and 42 U.S.C. § 1997e(c)(1).

IT IS FURTHER ORDERED that further proceedings are required as to the claims against defendant Jody Banks, because plaintiff's complaint asserts cognizable claims under Section 1983 of excessive force and false criminal charges against Deputy Banks.

IT IS FURTHER ORDERED that the assigned magistrate judge conduct further proceedings to determine (a) if counsel should be appointed from this court's Civil Pro Bono Panel to represent plaintiff in this matter, and (b) if all parties consent to proceed before a United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).

New Orleans, Louisiana, this 9th day of August, 2017.


UNITED STATES DISTRICT JUDGE