

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

**LARRY JAMES FITCH**

**VERSUS**

**TERREBONNE PARISH CORRECTIONAL  
JUSTICE COMPLEX**

**CIVIL ACTION**

**NO. 17- 02120**

**SECTION "H" (4)**

**ORDER**

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, Petitioner's objections to the Magistrate Judge's Report and Recommendation, and Petitioner's amendment naming Warden Triche as a defendant hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter.

The Magistrate Judge's Report and Recommendation recommended dismissal on two grounds: first, that Petitioner named a jail building as defendant, rather than a person as required by 42 U.S.C. § 1983; and second, that even if the correct party were named as defendant, Petitioner's slip and fall claim was not actionable under § 1983. This Court granted Petitioner leave to amend his Complaint to name a proper defendant. Petitioner has not, however, addressed the substantive deficiencies of his Complaint. "Section 1983 imposes liability for violations of rights protected by the Constitution, not for violations of duties of care arising out of tort law." *Baker v. McCollan*, 443 U.S. 137, 146 (1979). The action filed by Petitioner fails to allege the violation of a Constitutional right.

Accordingly,

**IT IS THEREFORE ORDERED** that Larry James Fitch's § 1983 claims against Terrebonne Parish Criminal Justice Complex 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.

New Orleans, Louisiana, this 10th day of April, 2018.

A handwritten signature in black ink, appearing to read "J. Shelby". The signature is written in a cursive style and is positioned above a horizontal line.

UNITED STATES DISTRICT JUDGE