

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

LAZANDY DANIELS

VERSUS

CITY OF NEW ORLEANS,
SUPERINTENDENT MICHAEL HARRISON,
COMMANDER CHRISTOPHER GOODLY,
SERGEANT JOSEPH DAVIS, DETECTIVE
CHAD COCKERHAM

CIVIL ACTION

NO. 17-6452

SECTION "H"(4)

ORDER

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

IT IS ORDERED that the plaintiff Lazandy Daniels's 42 U.S.C. § 1983 claims of wrongful conviction and perjured testimony against the defendants, Detective Chad Cockerham and Sergeant Joseph Davis, and his § 1983 supervisory and failure to train claims against the defendants, Superintendent Michael Harrison and Commander Christopher Goodly, 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. § 1915A until such time as the *Heck* conditions are met.

IT IS FURTHER ORDERED that Daniels's § 1983 claims of false arrest and wrongful death of the dogs against the defendants, Detective Cockerham and Sergeant Davis, are **DISMISSED WITH PREJUDICE** as frivolous and otherwise for failure to state a claim for which relief can be granted under § 1915A.

IT IS FURTHER ORDERED that Daniels's § 1983 supervisory claims against the defendant, the City of New Orleans, as employer of the other defendants and his § 1983 claims against the defendants, Superintendent Michael Harrison and Commander Christopher Goodly, for the wrongful death of the dogs are **DISMISSED WITH PREJUDICE** as frivolous and otherwise for failure to state a claim for which relief can be granted under § 1915A.

IT IS FURTHER ORDERED that Daniels's § 1983 claims against the defendant, Superintendent Harrison, for defamation, be **DISMISSED WITH PREJUDICE** as frivolous and otherwise for failure to state a claim for which relief can be granted under § 1915A.

IT IS FURTHER ORDERED that Daniels's state law claims are **DISMISSED WITHOUT PREJUDICE** because the Court declines to exercise its supplemental jurisdiction under 28 U.S.C. § 1367.

New Orleans, Louisiana, this 23rd day of March, 2018.


UNITED STATES DISTRICT JUDGE