

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

DALE G. BENJAMIN

CIVIL ACTION

VERSUS

NO. 17-7015

MARLIN GUSMAN

SECTION: "E"(3)

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 plaintiff's complaint is **DISMISSED** as malicious pursuant to 28 U.S.C. §§ 1915(e)(2)(B)(i) and 1915A(b)(1).

IT IS FURTHER ORDERED that his claims are **DISMISSED WITHOUT PREJUDICE** to their prosecution in Civil Action No. 17-7015 "E"(3).

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



UNITED STATES DISTRICT JUDGE