

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

DALE G. BENJAMIN

CIVIL ACTION

VERSUS

NO. 17-7017

MARLIN GUSMAN

SECTION: "B"(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 plaintiff 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 hereby **DISMISSED WITH PREJUDICE** as duplicative and malicious under 28 U.S.C. § 1915(e)(2)(B)(i).

New Orleans, Louisiana, this 8th day of November, 2017.



SENIOR UNITED STATES DISTRICT JUDGE