

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

BASHIR IBRAHIM HMEID

CIVIL ACTION

VERSUS

NO. 18-3449

NELSON COLEMAN CORRECTIONAL
CENTER ET AL.

SECTION "J" (2)

ORDER

The Court, after considering the petition, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file any objections to the Magistrate Judge's Report and Recommendation, hereby approves the Report and Recommendation and adopts it as its opinion herein. Accordingly,


IT IS ORDERED that plaintiff's complaint against Nelson Coleman Correctional Center and his claims concerning his medical care, conditions of confinement, mail tampering, recreation time and housing classification against individual defendants Charles Floyd, David Bailey, Rocco Dominic, and Darryl Richardson are **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 plaintiff's remaining excessive force claim under Section 1983 against defendants Charles Floyd, David Bailey, Rocco Dominic and Darryl Richardson.

A jury trial has been demanded. (Rec. Doc. 12). Accordingly, **IT IS FURTHER ORDERED** that the assigned magistrate judge is directed 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 10th day of October, 2018.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE