

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

JOHNNY JOE ADAM USÉ

CIVIL ACTION

VERSUS

NO. 18-5324

JERRY J. LARPENTER, GORDON DOVE,  
SGT. LEE, SGT. KAREN BECNEL

SECTION "S"(4)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the Chief United States Magistrate Judge, and the failure of any party 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 defendant Gordon Dove's Motion to Dismiss (Rec. Doc. No. 23) is **DENIED**.

**IT IS FURTHER ORDERED** that Johnny Joe Adam Usé's claims under 42 U.S.C. § 1983 against the defendants, Sheriff Jerry J. Larpenter, Gordon Dove, Sergeant Lee, Sergeant Karen Becnel, are **DISMISSED WITH PREJUDICE** as frivolous and otherwise for failure to state a claim for which relief can be granted pursuant to 28 U.S.C. §1915(e), §1915A and 42 U.S.C. §1997e.

New Orleans, Louisiana, this 29<sup>th</sup> day of October, 2018.



MARY ANN VIAL LEMMON  
UNITED STATES DISTRICT JUDGE