

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

SHAROD STEPHEN ETHERIDGE

CIVIL ACTION

VERSUS

NO. 19-295

ROBERT TANNER, ET AL.

SECTION: "T"(1)

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 claims based on acts or omissions during his confinement at the Elayn Hunt Correctional Center are **DISMISSED WITH PREJUDICE** as frivolous because they were prescribed at the time the complaint was filed.

IT IS FURTHER ORDERED that plaintiff's claims against defendants "Sale" and "Nick" are **DISMISSED WITH PREJUDICE** as frivolous because they were prescribed at the time the complaint was filed.

IT IS FURTHER ORDERED that all of plaintiff's claims concerning his confinement on suicide watch from May through August in 2017 are **DISMISSED WITH PREJUDICE** as frivolous because they were prescribed at the time the complaint was filed.

IT IS FURTHER ORDERED that plaintiff's claims against Sergeant J. Tynes, Sergeant Magee, Sergeant Jeffrey Rogers, and Lieutenant Dillon are **DISMISSED WITH PREJUDICE** as frivolous because they were prescribed at the time the complaint was filed.

IT IS FURTHER ORDERED that plaintiff's claim that he was falsely charged with disciplinary infractions and not afforded an opportunity to refute the charges is **DISMISSED WITH PREJUDICE** as frivolous because it was prescribed at the time the complaint was filed.

IT IS FURTHER ORDERED that plaintiff's claim against defendant "Waskom" is **DISMISSED WITH PREJUDICE** as frivolous because it was prescribed at the time the complaint was filed.

IT IS FURTHER ORDERED that plaintiff's claims for declaratory and injunctive relief are **DISMISSED AS MOOT**.

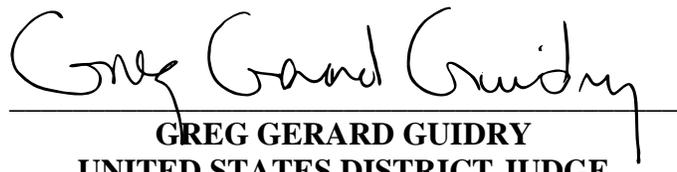
IT IS FURTHER ORDERED that plaintiff's official-capacity claims for monetary damages against all defendants are **DISMISSED FOR LACK OF SUBJECT-MATTER JURISDICTION** pursuant to the Eleventh Amendment.

IT IS FURTHER ORDERED that plaintiff's individual-capacity claims for monetary damages against Warden Robert Tanner, Warden Billy Anderson, Warden Beverly Kelly, Colonel Crawford, and Colonel Harrell are **DISMISSED WITH PREJUDICE** as frivolous and/or for failing to state a claim on which relief may be granted.

IT IS FURTHER ORDERED that plaintiff's individual-capacity claims for monetary damages against Floyd Brooks are **DISMISSED WITH PREJUDICE** as frivolous and/or for failing to state a claim on which relief may be granted.

IT IS FURTHER ORDERED that plaintiff's individual-capacity claims for monetary damages against defendants "Herbut," "Phillup," "Bowens," and "Sistrunk" are **DISMISSED WITHOUT PREJUDICE** for failing to state a claim on which relief may be granted.

New Orleans, Louisiana, this 8th day of October, 2019.


A handwritten signature in black ink, reading "Greg Gerard Guidry", is written above a horizontal line. Below the line, the name and title are printed in a bold, sans-serif font.

GREG GERARD GUIDRY
UNITED STATES DISTRICT JUDGE