

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

DONALD RAY MAGEE, JR.

CIVIL ACTION

VERSUS

NO: 19-13146-WBV-MBN

JOHNNY CRAIN, JR., ET AL.

SECTION: D (5)

ORDER AND REASONS

Before the Court is a Motion to Dismiss, filed by defendant, Lisa Jenkins. (R. Doc. 14). Also before the Court is Defendant's Rule 12(b)(6) Motion to Dismiss for Failure to State a Claim Upon Which Relief May Be Granted, filed by defendant, Johnny Crain, Jr. (R. Doc. 17). Both motions are unopposed.


The Court, having considered the motions, the record, the applicable law, the Magistrate Judge's Report and Recommendation (R. Doc. 21), and Plaintiff's objections thereto (R. Doc. 22), hereby approves the Magistrate Judge's Report and Recommendation and adopts it as its opinion herein.

Accordingly,

IT IS HEREBY ORDERED that Defendants' motions (R. Docs. 14 & 17) are **GRANTED**. Plaintiff's 42 U.S.C. § 1983 official capacity claims against defendants, Lisa Jenkins, Johnny Crain, Jr., and Judge Richard A. Swartz, are **DISMISSED without prejudice** for lack of jurisdiction. Plaintiff's Complaint (R. Doc. 1) is

otherwise **DISMISSED with prejudice** for failure to state a claim upon which relief can be granted, and for frivolousness.

New Orleans, Louisiana, May 15, 2020.



WENDY B. VITTER
United States District Judge