

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

JANSEN MICHAEL SIMON

CIVIL ACTION

VERSUS

NO. 20-1854

SHERIFF JERRY LARPENTER, et al.

SECTION: "G"(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 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. Accordingly,

IT IS HEREBY ORDERED that Plaintiff's claims against Sheriff Jerry Larpenter and Warden Stephen Bergeron are dismissed as frivolous and/or for failure to state a claim upon which relief can be granted because Plaintiff has not alleged that either of these defendants was personally involved in any alleged constitutional violation or that they implemented an unconstitutional policy.

IT IS FURTHER ORDERED that Plaintiff's claims against unnamed inmate workers are dismissed as frivolous and/or for failure to state a claim upon which relief can be granted because the inmate workers are not state actors who may be held liable under 42 U.S.C. § 1983.

IT IS FURTHER ORDERED that Plaintiff's claims against Deputy Brody Fanguy and Officer Dontrell Steel are dismissed as frivolous and/or for failure to state a claim upon which relief can be granted because Plaintiff has not alleged facts showing that deliberate indifference on the part of these defendants in failing to wear personal protective equipment or to wear such equipment properly.

NEW ORLEANS, LOUISIANA, this 26th day of April, 2021.



NANNETTE JOLIVETTE BROWN
CHIEF JUDGE
UNITED STATES DISTRICT JUDGE