

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

DAYTREND DENONE MOSES

VERSUS

MOHAMED MAHMOUD, ET AL.

CIVIL ACTION

NO. 20-2361

SECTION "H"(4)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the Chief United States Magistrate Judge (Doc. 18), and the Objections thereto, 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 the **Motion to Dismiss (ECF No. 14)** filed by defendants, Deputy Mohamed Mahmoud, Sgt. Darryl Richardson, Lt. Elizabeth Raiford, Deputy Garrett Haun, and Nurse Juanasha Smith, is **GRANTED in part** and **DENIED in part** in the following manner:

The Motion is **GRANTED** to **DISMISS WITH PREJUDICE** plaintiff Daytrend DeNone Moses's 42 U.S.C. § 1983 claims brought against defendants, Deputy Mahmoud, Sgt. Richardson, Lt. Raiford, Deputy Haun, and Nurse Smith, each in their official capacity;

The Motion is **GRANTED** to **DISMISS WITH PREJUDICE** plaintiff's § 1983 claims asserting Eighth Amendment claims of intentional indifference and bystander liability against defendant Lt. Raiford;

The Motion is **DENIED as MOOT** to the extent it seeks dismissal of plaintiff's § 1983 claims under 28 U.S.C. § 1915(e)(2) and otherwise seeks dismissal of plaintiff's claims already disposed by the Court's prior orders;

The Motion is **DENIED** to the extent its seeks qualified immunity from and dismissal of plaintiff's § 1983 claims asserting Eighth Amendment claims of intentional indifference and bystander liability against defendant Sgt. Richardson;

The Motion is **DENIED** to the extent its seeks to qualified immunity from and dismissal of plaintiff's § 1983 claims asserting Eighth Amendment claims of intentional indifference and excessive force against defendant Deputy Mahmoud.

New Orleans, Louisiana, this 9th day of September, 2021.



JANE TRICHE MILAZZO
UNITED STATES DISTRICT JUDGE