

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

RAYMOND HAROLD KIMBLE, III  
VERSUS  
PARISH OF JEFFERSON, ET AL.

CIVIL ACTION  
NO. 21-409  
SECTION "A"(2)

**ORDER**

The Court, after considering the complaint, the record, the applicable law, the Magistrate Judge's Report and Recommendation, and the objections to the Magistrate Judge's Report and Recommendation, hereby approves the Magistrate Judge's Report and Recommendation and adopts it as its opinion. Accordingly,

**IT IS ORDERED** that Parish of Jefferson's Motion to Dismiss (ECF No. 96) is **DENIED in part** as moot because plaintiff Raymond Harold Kimble, III's Claim Nos. One through Four and part of Claim Ten as asserted against Parish of Jefferson have already been dismissed with prejudice as frivolous and otherwise for failure to state a claim for which relief can be granted as part of the court's frivolousness review.

**IT IS FURTHER ORDERED** that Parish of Jefferson's Motion to Dismiss (ECF No. 96) is **DENIED in part** to the extent it seeks to have Kimble's pauper status revoked because Kimble was not subject to the three-strikes rule under 28 U.S.C. § 1915(g) when pauper status was granted.

**IT IS FURTHER ORDERED** that Parish of Jefferson's Motion to Dismiss (ECF No. 96) is **DENIED in part** as it relates to Kimble's denial of access to the courts claim asserted in Claim Ten.

**IT IS FURTHER ORDERED** that Parish of Jefferson's Motion to Dismiss (ECF No. 96) is **GRANTED in part** as to Kimble's Claim Nos. Five through Ten where he seeks to hold Parish of Jefferson liable based on *Monell v. Dept. of Social Servs. of City of New York*, 436 U.S. 658

(1978), or other theories of municipal liability, for a prison design that denies him privacy, and for negligent repairs or damages for his slip and fall because Kimble thereby fails to state a claim for which relief can be granted under § 1983 and these claims against Parish of Jefferson are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED** that the Clerk of Court terminate Parish of Jefferson's Objection to Report and Recommendations (Rec. Doc. 176), which the Court considered in reaching this determination.

Kimble's remaining claims against Parish of Jefferson and the other remaining defendants remain referred to the undersigned Magistrate Judge for further proceedings consistent with the automatic referral under Local Rule 73.2(A).

8/1/2022

  
UNITED STATES DISTRICT JUDGE