

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

NELSON PAUL NAQUIN

CIVIL ACTION

VERSUS

NO. 21-1099

SAINT ANN'S HOSPITAL/OCHSNER

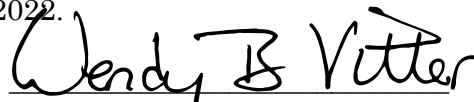
SECTION D (4)

ORDER AND REASONS

The Court, having considered *de novo* the Complaint,¹ the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge,² and the failure of the Plaintiff to file any objection to the Magistrate Judge's Report and Recommendation,³ hereby approves the Report and Recommendation and adopts it as its opinion in this matter. In doing so, the Court notes that it has construed Plaintiff Nelson Paul Naquin's *pro se* pleadings liberally.⁴

IT IS HEREBY ORDERED that Plaintiff's 42 U.S.C. § 1983 claims alleged in the Complaint⁵ are **DISMISSED** as legally frivolous and otherwise for failure to state a claim for which relief can be granted pursuant to 28 U.S.C. § 1915(e)(2) and § 1915 A, and 42 U.S.C. § 1997(e) and Plaintiff's claims against Ochsner/St. Ann's Hospital are **DISMISSED WITH PREJUDICE**.⁶

New Orleans, Louisiana, May 31, 2022.


WENDY B. VITTER
United States District Judge

¹ R. Doc. 9.

² R. Doc. 14.

³ Objections were due May 11, 2022. Because Plaintiff is proceeding *pro se*, the Court has allowed additional time for objections. None have been filed as of the date of this Order.

⁴ See *Coleman v. United States*, 912 F.3d 824, 828 (5th Cir. 2019).

⁵ R. Doc. 9.

⁶ La. R.S. 9:5628 requires that a medical malpractice action be brought within one year from the date of the alleged act or one year from the date of discovery. The Court notes that Plaintiff describes his date of injury as June 23, 2020. See R. Doc. 9.