

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

CLARENCE OTIS GIBSON

CIVIL ACTION

VERSUS

NO. 23-3339

CORNELIUS REGAN

SECTION "R" (5)

ORDER

Plaintiff Clarence Gibson brought this action under 42 U.S.C. § 1983 in the United States District Court for the Middle District of Louisiana in July 2023. Gibson alleges a violation of due process by Judge Cornelius Regan, who presided over Gibson's 2009 criminal trial proceedings in Jefferson Parish, which ended in a conviction for sexual battery. The matter was transferred by the Middle District of Louisiana to this Court in August 2023 with an outstanding deficiency, *i.e.*, no fee or application to proceed *in forma pauperis*. The Clerk of Court sent Gibson a notice of deficiency, provided the correct forms, and gave him twenty-one days, or until September 5, 2023, to respond.¹ He failed to respond or comply with the notice of deficiency.

On October 30, 2023, Chief Magistrate Judge Michael B. North issued a Report & Recommendation ("R&R"), recommending that the Court

¹ R. Doc. 5.

dismiss the action for failure to prosecute.² Gibson did not object to the R&R. Therefore, the Court reviews the R&R for clear error. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1430 (5th Cir. 1996); *see also* Fed. R. Civ. P. 72(b) advisory committee's note (1983) ("When no timely objection is filed, the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation."). The Court finds no clear error.

Accordingly, the Court adopts Chief Magistrate Judge North's R&R as its opinion. Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.

New Orleans, Louisiana, this 14th day of November, 2023.


SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

² R. Doc. 6.