

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

STEVEN JAY SENCIAL

CIVIL ACTION

VERSUS

NO. 23-3351

**JEFFERSON PARISH SHERIFF
JOSEPH LOPINTO, III, ET AL.**

SECTION "A"(4)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Partial Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file an objection to the Magistrate Judge's Partial Report and Recommendation, hereby approves the Magistrate Judge's Partial Report and Recommendation and adopts it as its opinion in this matter. Accordingly;

IT IS ORDERED that plaintiff Steven Jay Sencial's 42 U.S.C. § 1983 claims against defendants Sheriff Joseph Lopinto, III, in his official and individual capacities, CorrectHealth Jefferson, LLC, Clara McKinley, LPN, Dr. Lumbar, Dr. Juanita Alexander-Sallier, and Dr. Philip W. Nowlin, addressed under his claims titled "General Jail Conditions Following May 23, 2022 Arrest", "Incident No. 2 – Medical Care After September 1, 2022, Fight with Another Inmate and Use of Excessive Force by Deputy," and "Incident No. 1 – Medical care for Ongoing Ailments in June, 2022," and related state law medical indifference, malpractice, intentional infliction of emotional distress, negligence, and *respondeat superior* claims, are **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e), § 1915A as malicious and duplicitous of the federal and state law claims pending in Civ. Action 22-4235"O"(1).


IT IS FURTHER ORDERED that Sencial's § 1983 claims of false imprisonment and delayed release, and his related state law claims of false imprisonment, negligence, intentional

infliction of emotion distress, and *respondeat superior* liability against Deputy L. Preatto and Sheriff Lopinto, in his official and individual capacities, as asserted in Incident No. 4, are **DISMISSED WITH PREJUDICE** pursuant to § 1915(e) and § 1915A as frivolous and otherwise fail to state a claim for which relief can be granted.

IT IS FURTHER ORDERED that Sencial's § 1983 medical indifference and violation of ADA claims and his related state law claims of malpractice, negligence, and intentional infliction of emotional distress, against Dr. Alexander-Sallier, Dr. Nowlin, and Nurse McKinley, and his state law *respondeat superior* liability claim against CorrectHealth Jefferson, LLC, as addressed under Incidents Nos. 1 and 3, and not already dismissed as malicious, **SHALL** proceed forward and remain referred to the Magistrate Judge for further pretrial proceedings.

IT IS FURTHER ORDERED that Sencial's § 1983 medical indifference and excessive force claims and state law claims of negligence and intentional infliction of emotional distress against Deputy Jody Lee Banks, and his related claims of *respondeat superior* liability against Sheriff Lopinto, addressed under Incident No. 2, **SHALL** proceed forward and remain referred to the Magistrate Judge for further pretrial proceedings.

New Orleans, Louisiana, this 8th day of May, 2024.



UNITED STATES DISTRICT JUDGE

CLERK TO SEND NEF to Magistrate Judge Roby