

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ANTOINE EDWARDS

CIVIL ACTION

VERSUS

NO: 23-7342

NEW ORLEANS CRIMINAL
COURT, ET AL

SECTION: "J"(1)

ORDER

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge (Rec. Doc. 7), and petitioner's objections (Rec. Doc. 8), hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter.


On January 10, 2024, Magistrate Judge van Meerveld recommended that petitioner's claims should be dismissed, *sua sponte*, because his petition does not comply with the federal exhaustion requirement. (Rec. Doc. 7, at 4). This Court has previously explained to petitioner that he has exhausted only two claims in the Louisiana state courts: "(1) that the state violated his right to due process under *Napue v. Illinois*, 360 U.S. 264 (1959), by eliciting and using false testimony that misrepresented the credibility of witnesses Mashonda Johnson and Torrie Williams; and (2) that the prosecutor's repeated elicitation to accusatory testimonial hearsay deprived petitioner of a fair trial." *Id. See Edwards v. New Orleans Police Department, et al.*, No. 23-3353, Rec. Doc. 47 (E.D. La. Jan. 23, 2024). However, Edwards has

continued to file new actions asserting unexhausted claims. Although Edwards is proceeding *pro se* and is entitled to liberal construction of his arguments, the Court finds his objections to be frivolous. Accordingly,

IT IS HEREBY ORDERED that Antoine Edwards's objection (Rec. Doc. 8) is **OVERRULED**, and the Magistrate Judge's Report and Recommendation (Rec. Doc. 7) is **APPROVED** and **ADOPTED** as the Court's opinion.

IT IS FURTHER ORDERED that Antoine Edwards's petition be **DISMISSED WITHOUT PREJUDICE**.

New Orleans, Louisiana, this 5th day of February, 2024.



CARL J. BARBIER
UNITED STATES DISTRICT JUDGE