

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

LARRY MCGUIRE (#129888)

VERSUS

CIVIL ACTION

N. BURL CAIN, ET AL

NUMBER 10-65-JVP-SCR

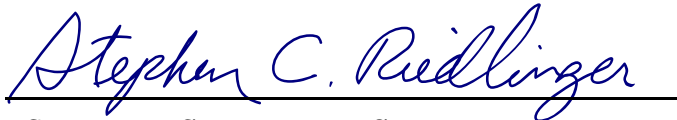
**NOTICE**

Please take notice that the attached Magistrate Judge's Report has been filed with the Clerk of the U. S. District Court.

In accordance with 28 U.S.C. § 636(b)(1), you have 14 days after being served with the attached report to file written objections to the proposed findings of fact, conclusions of law, and recommendations set forth therein. Failure to file written objections to the proposed findings, conclusions and recommendations within 14 days after being served will bar you, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the District Court.

ABSOLUTELY NO EXTENSION OF TIME SHALL BE GRANTED TO FILE WRITTEN OBJECTIONS TO THE MAGISTRATE JUDGE'S REPORT.

Baton Rouge, Louisiana, March 1, 2010.



STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE

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SUPPLEMENTAL MAGISTRATE JUDGE'S REPORT

Pro se plaintiff, an inmate confined at Louisiana State Penitentiary, Angola, Louisiana, filed this action pursuant to 42 U.S.C. § 1983 against Warden Burl Cain. Plaintiff amended the complaint to add Dr. Barry and Mrs. Kline as defendants. Plaintiff alleged that Dr. Barry and nurse Kline were negligent and committed medical malpractice in violation of his constitutional rights.

On February 9, 2010, a magistrate judge's report was issued recommending that the plaintiff's complaint be dismissed as frivolous pursuant to 28 U.S.C. §1915(e)(2)(B)(i) and without prejudice to any state law claim.<sup>1</sup>

On February 23, 2010, the plaintiff amended his complaint to dismiss his claims against Warden Burl Cain and to reassert his claims against Dr. Barry and nurse Kline in both their official and individual capacities.<sup>2</sup> Specifically, the plaintiff alleged that

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<sup>1</sup> Record document number 6.

<sup>2</sup> Record document number 9.

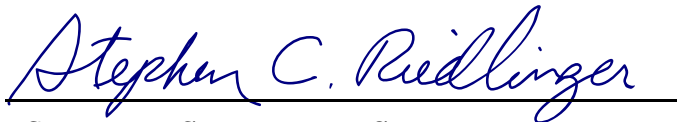
the defendants subjected him to unnecessary treatment and delay to mask their negligence.

For the reasons set forth in the magistrate judge's report issued February 9, 2010, the plaintiff's complaint, as amended, should be dismissed as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

RECOMMENDATION

It is the recommendation of the magistrate judge that the plaintiff's complaint, as amended, be dismissed as frivolous pursuant to 28 U.S.C. §1915(e)(2)(B)(i) and without prejudice to any state law claim.

Baton Rouge, Louisiana, March 1, 2010.



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STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE