

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

DAVID W. POYDRAS (#115750)

VERSUS

CIVIL ACTION

STATE OF LOUISIANA

NUMBER 10-117-JJB-SCR

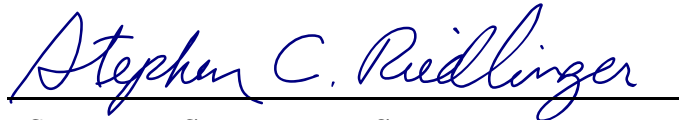
**NOTICE**

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 22, 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 presumably pursuant to 42 U.S.C. § 1983 against the State of Louisiana. Plaintiff sought a writ of mandamus ordering Louisiana Department of Public Safety and Corrections Secretary James LeBlanc to render a decision on an administrative grievance and to have the plaintiff examined at an outside medical facility.

On March 5, 2010, a magistrate judge's report was submitted to the district judge recommending that the plaintiff's complaint be dismissed as frivolous.<sup>1</sup>

On March 22, 2010, the plaintiff moved to amended the complaint to dismiss the claims against the State of Louisiana and to add as defendants Louisiana Department of Public Safety and Corrections Secretary James LeBlanc and Warden Burl Cain. Plaintiff alleged that he has received a response to his administrative grievance but still sought the issuance of a writ of

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<sup>1</sup> Record document number 5.

mandamus ordering the defendants to transport him to an outside medical facility for medical treatment. Plaintiff's motion was granted insofar as he sought to join Secretary James LeBlanc and Warden Burl Cain as defendants.

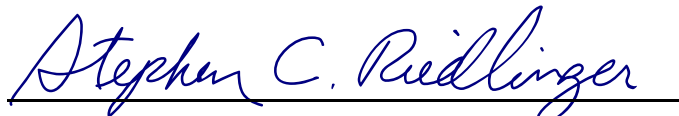
Plaintiff's complaint, as amended, is still legally frivolous. As previously explained in the March 5, 2010 magistrate judge's report, the United States District Court lacks jurisdiction to review actions in the nature of mandamus to compel state officers or employees to perform duties owed the plaintiff under state law. 28 U.S.C. § 1361.

For the reasons set forth in the Magistrate judge's report issued March 5, 2010, as supplemented herein, 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 original and amended complaints 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 22, 2010.



STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE