

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

SHAWN DERWIN ELSEY (#90-39348)

CIVIL ACTION

VERSUS

NO. 12-332-BAJ-SCR

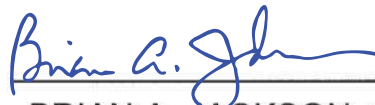
LT. JAMES SULLIVAN, ET AL.

RULING

The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Steven C. Riedlinger dated December 12, 2012 (doc. no. 44). The plaintiff has filed an objection which merely restates his prior argument and has been duly considered.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, Sgt. Troy Eubanks' Motion to Dismiss is GRANTED and the claims against him are DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii), and without leave to amend because there is no conceivable, non-frivolous federal claim he could assert consistent with the facts alleged in his complaint.

Baton Rouge, Louisiana, this 29th day of May, 2013.



BRIAN A. JACKSON, CHIEF JUDGE
MIDDLE DISTRICT OF LOUISIANA