

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JESSE SIMMONS (#277416)

VERSUS

KEVIN BENJAMIN

CIVIL ACTION

NUMBER 12-477-BAJ-SCR

**RULING
and ORDER OF DISMISSAL**

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 Stephen C. Riedlinger dated August 9, 2012 (doc. 4), and plaintiff's opposition filed August 31, 2012 (doc. 5).

The Court hereby approves the report and recommendation of the magistrate judge and adopts it as the Court's opinion herein.

Accordingly, **IT IS ORDERED** plaintiff's complaint is dismissed pursuant to 28 U.S.C. §1915(e)(2)(B)(i), without prejudice to any state law claim, and without leave to amend because there is no conceivable, nonfrivolous federal claim he could assert consistent with the facts alleged in his complaint.

Baton Rouge, Louisiana, October 30, 2012.



BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA