

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RONALD WILLIAMS

CIVIL ACTION

VERSUS

JAMES LEBLANC, ET AL.

NO.:14-00519-BAJ-RLB

RULING AND ORDER

On December 30, 2014, the United States Magistrate Judge issued a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1), recommending that Plaintiff Ronald Williams's ("Plaintiff") complaint (Doc. 1) be dismissed as legally frivolous and for failure to state a claim upon which relief may be granted. (Doc. 4).

The Magistrate Judge's Report and Recommendation specifically notified Plaintiff that, pursuant to 28 U.S.C. § 636(b)(1), he had fourteen (14) days from the date he received the Report and Recommendation to file written objections to the proposed findings of fact, conclusions of law, and recommendations therein. (Doc. 4 at p. 1). A review of the record indicates that Plaintiff timely filed objections on January 8, 2015.¹ (Doc. 4). Plaintiff subsequently filed a Motion for Leave to File an Amended Complaint. (Doc. 6).

¹ In his objections, Plaintiff reiterates the conclusory allegations of his complaint. As stated in the Magistrate Judge's Report, conclusory allegations are insufficient. *See R.A.M. Al-Raid v. Ingle*, 69 F.3d 28, 32 (5th Cir. 1995). Moreover, Plaintiff cites case law that is both not current, and is inconsistent with his position. Accordingly, Plaintiffs objections are without merit.

Having carefully considered the Plaintiff's complaint and related filings, the Court approves the Magistrate Judge's Report and Recommendation, and hereby adopts its findings of fact, conclusions of law, and recommendation.

Further, given existing United States Court of Appeals for the Fifth Circuit precedent, the Court finds that Plaintiff has pled his best case in his original complaint, and thus, granting his motion for leave to file an amended complaint would not change the outcome. *See Vinson v. Heckmann*, 940 F.2d 114, 115 (5th Cir. 1991) (requiring a Section 1983 plaintiff to allege facts to support his broad, conclusory allegations); *R.A.M. Al-Raid v. Ingle*, 69 F.3d 28, 32 (5th Cir. 1995) (finding conclusory allegations are insufficient). *See also Wilson v. Lynaugh*, 878 F.2d 846, 848 (5th Cir.), *cert. denied*, 493 U.S. 969 (1989) ("indicia of confinement constituting cruel and unusual punishment . . . include 'wanton and unnecessary infliction of pain,' conditions 'grossly disproportionate to the severity of the crime warranting imprisonment,' and the deprivation of 'the minimal civilized measures of life's necessities'") (internal citations omitted).

Accordingly,

IT IS ORDERED that the **Magistrate Judge's Report (Doc. 6)** is **ADOPTED** as the Court's opinion herein.

IT IS FURTHER ORDERED that the above captioned matter be **DISMISSED WITH PREJUDICE**, as legally frivolous, and for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e) and 1915A.

IT IS FURTHER ORDERED that Plaintiff's **Motion for Leave to File an Amended Complaint (Doc. 6)** is **DENIED**.

Baton Rouge, Louisiana, this 9th day of February, 2015.

A handwritten signature in blue ink, appearing to read "Brian A. Jackson", written in a cursive style.

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