

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ELLIOT HOGAN

CIVIL ACTION

VERSUS

TIM HOOPER, ET AL.

NO.: 16-00875-BAJ-RLB

RULING AND ORDER

Before the Court is the United States Magistrate Judge's **Report and Recommendation (Doc. 7)** and the **Motion for Appointment of Counsel (Doc. 5)** filed by Elliot Hogan ("Plaintiff"). In the Report, the Magistrate Judge recommends that (1) Plaintiff's claims be dismissed, with prejudice, as legally frivolous and for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e) and 1915A, and (2) Plaintiff's Motion for Appointment of Counsel (Doc. 5) be denied as moot. (*See* Doc. 7 at p. 6).

The 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. 7 at p. 1). Although Plaintiff submitted untimely objections to the Report and Recommendation,¹ (*see* Doc. 8), the Court conducted a *de novo* review of the record and all related filings.

¹ The Magistrate Judge issued the Report and Recommendation on May 25, 2017, and therein notified Plaintiff that any objections were due by June 8, 2017. (Doc. 7 at p. 1). Plaintiff did not file his objections until June 15, 2017, seven days after the deadline for objections had passed, nor did Plaintiff provide any explanation for his tardy submission. (*See* Doc. 8).

Having carefully considered Plaintiff's Complaint, the Magistrate Judge's Report and Recommendation, and Plaintiff's objections, the Court **APPROVES** the Magistrate Judge's Report and Recommendation, and hereby **ADOPTS** as its own the findings of fact, conclusions of law, and recommendations.

Accordingly,

IT IS ORDERED that Plaintiff's claims against Tim Hooper, Veranica Hardeman, and the Elayn Hunt Correctional Center ("Defendants") are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the **Motion for Appointment of Counsel (Doc. 5)** filed by Plaintiff is **DENIED AS MOOT**.

Baton Rouge, Louisiana, this 16th day of August, 2017.



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