

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

DAVID MITCHELL

VERSUS

WILLIE THOMAS, ET AL.

CIVIL ACTION

NO. 17-90-JWD-EWD

OPINION


After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report dated November 21, 2017, to which an objection was filed;

IT IS ORDERED that Sgt. Roberts' Motion to Dismiss is GRANTED, (Doc. 28) and that Plaintiff's Motion for Leave to File Amended Complaint for Damages, (Doc. 32) is DENIED as futile.

IT IS FURTHER ORDERED that the dismissal is without prejudice to Plaintiff filing a Second Amended Complaint within thirty (30) days of the date this opinion.

IT IS FURTHER ORDERED that Sgt. Roberts' Motion to Stay Discovery, (Doc. 44) pending resolution of the Motion to Dismiss is DENIED as moot.

Signed in Baton Rouge, Louisiana, on December 6, 2017.



**JUDGE JOHN W. deGRAVELLES
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**