UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

MARLON WASHINGTON **CIVIL ACTION**

VERSUS

RANDY LAVESPERE ET AL. **NO.: 18-273-BAJ-RLB**

RULING AND ORDER

Before the Court is the United States Magistrate Judge's **Report and Recommendation (Doc. 23)** under 28 U.S.C. § 636(b)(1). The United States Magistrate Judge concludes that Plaintiff fails to plead plausible deliberate-indifference claims against Dr. Randy Lavespere. (Doc. 23 at p. 4). The United States Magistrate Judge thus recommends that the Court grant Dr. Lavespere's Motion to Dismiss (Doc. 13) and decline to exercise supplemental jurisdiction over Plaintiff's potential state-law claims. (*Id.* at pp. 6–7).

Plaintiff timely objected. (Doc. 24). He faults the United States Magistrate Judge for reading his complaint "too narrowly" and insists that he has pleaded plausible claims. (*Id.*). His objection lacks merit. (*Id.*). It raises the same arguments the United States Magistrate Judge considered and rejected in a thorough Report and Recommendation. (*Id.*). The Court has reviewed the Report and Recommendation *de novo* and agrees with the United States Magistrate Judge's conclusion: Plaintiff's gripe with Dr. Lavespere for prescribing alternative medication is merely a disagreement with treatment that does not constitute a constitutional violation. *See*

Hendrix v. Lloyd Ashberger, P.A., 689 F. App'x 250 (5th Cir. 2017) (per curiam). The Court therefore approves the United States Magistrate Judge's Report and Recommendation and adopts the findings of fact, conclusions of law, and recommendation.

Accordingly,

IT IS ORDERED that the United States Magistrate Judge's **Report and Recommendation (Doc. 23)** is **ADOPTED** as the Court's opinion.

IT IS FURTHER ORDERED that the **Motion to Dismiss (Doc. 13)** filed by Dr. Randy Lavespere is **GRANTED**. Plaintiff's deliberate-indifference claims against Dr. Randy Lavespere are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that, in accordance with 28 U.S.C. § 1367(c), the Court declines to exercise supplemental jurisdiction over any state-law claims Plaintiff purports to assert against Dr. Lavespere.

Baton Rouge, Louisiana, this 2nd day of April, 2019.

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