

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

KIRBY THOMAS (#438620)

CIVIL ACTION

VERSUS

NO. 19-488-JWD-EWD

RICKY L. BABIN

OPINION

After independently reviewing the entire record in this case and for the reasons set forth in the Magistrate Judge's Report (Doc. 5) dated October 21, 2019, to which no objection was filed;

**IT IS ORDERED** that Plaintiff's action is **DISMISSED, WITH PREJUDICE**, for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. §§ 1915(e) and 1915A.<sup>1</sup>

**IT IS FURTHER ORDERED** that the Court declines supplemental jurisdiction relative to Plaintiff's potential state law claims.

**IT IS FURTHER ORDERED** that Plaintiff's pending Motion for Appointment Counsel, (Doc. 3) is **DENIED AS MOOT**.

Judgment shall be entered accordingly.

Signed in Baton Rouge, Louisiana, on November 19, 2019.

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

<sup>1</sup> The plaintiff is advised that 28 U.S.C. § 1915(g) provides that, "In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section [Proceedings in forma pauperis] if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury."