

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

RAPHAEL D. JIMERSON (#503486)

CIVIL ACTION

VERSUS

NO. 21-119-JWD-EWD

LUKE RHEAMS, ET AL.

OPINION

After independently reviewing the entire record in this case and for the reasons set forth in the Magistrate Judge's Report dated April 15, 2021 (Doc. 6), to which no objection was filed,

IT IS ORDERED that Plaintiff's claims against Luke Rheams, Michael Jack, Jamie Thomas, James Arnold, Zeneika Payne, and Donald Lamanna are DISMISSED WITHOUT PREJUDICE as legally frivolous and for failure to state a claim pursuant to 28 U.S.C. §§ 1915(e) and 1915A due to Plaintiff's failure to exhaust administrative remedies as required by 42 U.S.C. § 1997e.¹

IT IS FURTHER ORDERED that Plaintiff's "Order to Show Cause for Preliminary Injunction, and a Temporary Restraining Order"² is DENIED for the same reasons.

1 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 injury." The Ruling in this matter will constitute a strike.

2 Doc. 4.

Judgement shall be entered accordingly.

Signed in Baton Rouge, Louisiana, on May 18, 2021.

A handwritten signature in blue ink, consisting of a stylized 'J' followed by a cursive 'W' and a flourish.

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