

**UNITED STATES DISTRICT COURT****MIDDLE DISTRICT OF LOUISIANA****WILLIE E. BERRY, JR. (#354431)****CIVIL ACTION****VERSUS****NO. 23-380-JWD-RLB****CECIL HILBURN, 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 October 10, 2023 (Doc. 8), to which an objection was filed and considered (Doc. 9);

**IT IS ORDERED** that this 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> and that the Court declines to exercise supplemental jurisdiction over any potential state law claims.

**IT IS FURTHER ORDERED** that the plaintiff's Motion to Appoint Counsel (Doc. 3) is denied as moot.

Judgment shall be entered accordingly.

Signed in Baton Rouge, Louisiana, on November 16, 2023.



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

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<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."