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UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

VILLMON BOTLEY, JR. **CIVIL ACTION NO. 2:12-cv-1789**

VS. **SECTION P**

JUDGE TRIMBLE
RICHARD EDWARDS, JR., ET AL **MAGISTRATE JUDGE KAY**

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record and a *de novo* determination of the issues, and consideration of the objections filed herein, and having determined that the findings are correct under applicable law;

IT IS ORDERED that plaintiff's civil rights action as to all defendants **EXCEPT Defendant Kurtz**, is **DISMISSED WITH PREJUDICE,** as frivolous and for failing to state a claim on which relief may be granted pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i) and (ii).

IT IS ALSO ORDERED that plaintiff's claim of excessive use of force be served upon defendant John Kurtz in accordance with the separate Memorandum Order issued by this court.

IT IS FURTHER ORDERED that the Clerk shall provide a copy of this order by regular mail, facsimile transmission, or e-mail to: (1) the District Clerk for the Eastern District of Texas, Tyler Division, 211 West Ferguson, Tyler, Texas, 75702, Attention: Ms. Betty Parker.

THUS DONE AND SIGNED, in chambers, in Lake Charles, Louisiana, on this the 28th day of February, 2014.

JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE

Dockets.Justia.