

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

**VERNON SIMMONS
LA. DOC #459518**

**CIVIL ACTION NO. 13-2843
SECTION P**

VERSUS

JUDGE ROBERT G. JAMES

WARDEN SMITH, ET AL.

MAGISTRATE JUDGE KAREN L. HAYES

RULING

Pending before the Court is a civil rights complaint filed by *pro se* Plaintiff Vernon Simmons, pursuant to 42 U.S.C. §1983. Plaintiff complains that Defendants failed to protect him from an assault and failed to provide appropriate medical care.

On February 14, 2014, Magistrate Judge Hayes issued a Report and Recommendation [Doc. No. 7], in which she recommended that the Court dismiss Plaintiff's Complaint for failure to state a claim as a matter of law.

On March 3, 2014, the Clerk of Court received Plaintiff's objections [Doc. No .8]. Plaintiff objects that he is without funds, support, and ability to conduct legal research. He acknowledges that his filing is not a sufficient response to the Report and Recommendation, but requests that the Court send a clerk to take his statement or ask questions rather than dismiss his case.

Having conducted a *de novo* review of the record in this matter and finding that the Magistrate Judge has correctly stated and applied the law, the Court hereby ADOPTS the Report and Recommendation. Although the Court is sympathetic to the difficulties faced by prisoner litigants, Plaintiff's burden in this case was to provide the Court with the facts supporting his

case, facts that were clearly within his knowledge and for which no legal research was necessary. Based on the facts, as he has alleged them, he cannot prevail on his § 1983 Complaint. Further, the Court is not permitted to conduct or to send personnel to conduct an investigation of a pending case.

For these reasons, Plaintiff's Complaint is DISMISSED WITH PREJUDICE.

MONROE, LOUISIANA, this 26th day of March, 2014.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE