

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

GERALD DOWELL, JR.

CIVIL ACTION

VERSUS

NO. 06-0814

**MARLIN N. GUSMAN
JOHN LECOUR**

SECTION: "F" (4)

O R D E R

The Court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of any party to file an objection to the Magistrate Judge's Report and Recommendation, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

IT IS FURTHER ORDERED that Gerald Dowell, Jr.'s Title 42 U.S.C. § 1983 claims against Orleans Parish Criminal Sheriff Marlin Gusman and Warden John LeCour are **DISMISSED WITH PREJUDICE** as frivolous and otherwise for failure to state a claim for which relief can be granted pursuant to Title 28 U.S.C. §1915(e) and § 1915A and Title 42 U.S.C. § 1997e.

New Orleans, Louisiana, this 23rd day of May, 2006.


Marlin P. C. Feldman
UNITED STATES DISTRICT JUDGE