

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

**TRAVIS DWANYE WARE**

**CIVIL ACTION**

**VERSUS**

**NO. 12-2250**

**ROBERT C. TANNER, CASEY  
MCVEA, MICHAEL HARRELL,  
JOSH GOFF, DONNA TOUCHSTONE**

**SECTION “F” (4)**

**ORDER**

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

**IT IS ORDERED** that Travis Dwanye Ware’s 42 U.S.C. § 1983 claims against the defendants, Warden Robert Tanner, Major Michael Harrell, Josh Goff, and Master Sergeant Donna Touchstone, are **DISMISSED WITH PREJUDICE** as frivolous and otherwise fail to state a claim for which relief can be granted pursuant to 28 U.S.C. § 1915(e) and § 1915A and 42 U.S.C. § 1997e.

**IT IS FURTHER ORDERED** that Ware’s § 1983 claims of cruel and unusual punishment under the Eighth Amendment against the defendant, Dr. Casey McVea, are **DISMISSED WITH PREJUDICE** as frivolous and otherwise fail to state a claim for which relief can be granted pursuant to 28 U.S.C. § 1915(e) and § 1915A and 42 U.S.C. § 1997e.

**IT IS FURTHER ORDERED** that Ware's requests for injunctive relief seeking a transfer to another facility, criminal charges to be brought against the defendants, and termination of the defendants from their employment at the prison are **DENIED**.

**IT IS FURTHER ORDERED** that Dr. McVea **SHALL** file an answer or responsive pleading to Ware's § 1983 claims seeking monetary relief for retaliation and denial of medical care within thirty (30) days from the entry of this order.

New Orleans, Louisiana, this 10th day of October, 2013.

  
UNITED STATES DISTRICT JUDGE