

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

JERMAINE BRINKER, #L6872

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:13-cv-582-KS-MTP

BRENDA SIMS, ET AL.

DEFENDANTS

FINAL JUDGMENT

This cause is before the Court, *sua sponte*, for consideration of dismissal. Pursuant to the Memorandum Opinion and Order issued this date, it is hereby,

ORDERED AND ADJUDGED that Plaintiff's habeas corpus claims are dismissed without prejudice.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff's § 1983 claims are dismissed with prejudice as legally frivolous and for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(i) and (ii). This dismissal will count as a "strike" under the Prison Litigation Reform Act. *See* 28 U.S.C. § 1915(g).

SO ORDERED this the 3rd day of June, 2014.

s/Keith Starrett

UNITED STATES DISTRICT JUDGE