

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

ISMAEL MUJICA,

Plaintiff,

v.

**BOARD OF PARDONS AND
PAROLES, et al.,**

Defendants.

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Civil Action No. **3:09-CV-1191-L**

ORDER

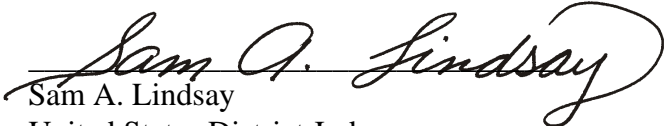
Before the court are the Findings and Recommendation of the United States Magistrate Judge, filed August 11, 2009. Plaintiff did not file objections.

Plaintiff is proceeding *pro se* and *in forma pauperis*. He filed this action alleging that he was falsely arrested, detained, and convicted on multiple state drug charges. The magistrate judge recommends dismissing Plaintiff’s claims pursuant to 28 U.S.C. § 1915(e)(2) for failure to state a claim upon which relief may be granted.

Having reviewed the pleadings, file, and record in this case, and the findings and conclusions of the magistrate judge, the court determines that the findings and conclusions are correct. The magistrate judge’s findings and conclusions are therefore **accepted** as those of the court. The magistrate judge did not state whether these claims should be dismissed with or without prejudice. The court determines that the claims should be dismissed with prejudice, except for Plaintiff’s claim against an unidentified “Dallas County Director.” Accordingly, the court **dismisses** Plaintiff’s claims against the Board of Pardons and Parole, Russ Hendrichs, Alfonso Campo, and Robert Udashen **with prejudice**, and **dismisses** Plaintiff’s claim against an unidentified “Dallas County Director” **without prejudice**. To the extent that Plaintiff’s claims are barred by *Heck v. Humphrey*, 512 U.S. 477 (1994),

they are **dismissed with prejudice** to their being asserted again until the *Heck* conditions are met.

It is so ordered this 31st day of August, 2009.


Sam A. Lindsay
United States District Judge