

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

CHRISTOPHER LENARD PUGH	:	
Plaintiff,	:	
vs.	:	CIVIL ACTION No. 09-00016-KD-N
RICHARD DIX, et al.,	:	
Defendants.	:	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Report and Recommendation to which objection is made, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court.

The Court also notes that Pugh's claims of lack of probable cause to arrest (after he repeatedly fled from police) and unreasonable search and seizure (wherein burglary tools were discovered) are not cognizable claims. A prisoner may not bring a 42 U.S.C. § 1983 claim for damages in a case where "a judgment in favor of the plaintiff would necessarily imply that invalidity of his conviction." *Heck v. Humphreys*, 512 U.S. 477, 487, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994). Such is this case with these claims where plaintiff was convicted of attempting to elude police and burglary.

Accordingly, it is **ORDERED** that this action is **DISMISSED** with prejudice.

DONE this 2nd day of September, 2011.

s/ Kristi K. DuBose
KRISTI K. DuBOSE
UNITED STATES DISTRICT JUDGE