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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Aaron James Ortega,
Plaintiff,
vs.
Zachary Wright and Douglas Kies,
Defendants.

No. CV-14-02173-PHX-PGR (DKD)

ORDER


Having reviewed *de novo* the Report and Recommendation of Magistrate Judge Duncan in light of Plaintiff's Response to the Court's Report and Recommendation (Doc. 33) and Defendants' Reply to Plaintiff's Objection to Report and Recommendation (Doc. 34), the Court finds that the plaintiff's objections should be overruled because the Magistrate Judge correctly concluded that this action must be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) and Fed.R.Civ.P. 12(b)(6) inasmuch as the claims in the First Amended Complaint (Doc. 7) are barred as a matter of law under Heck v. Humphrey, 512 U.S. 477 (1994). Therefore,

IT IS ORDERED that the Magistrate Judge's Report and Recommendation (Doc. 32) is accepted and adopted by the Court.

IT IS FURTHER ORDERED that the plaintiff's First Amended Complaint (Doc.

1 7) is dismissed in its entirety, without leave to amend, for failure to state a claim.
2 The Clerk of the Court shall enter judgment accordingly.

3 DATED this 30th day of August, 2016.

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6 Paul G. Rosenblatt
United States District Judge

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