

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

**LEVORY HICKMON,**

**Plaintiff,**

**-vs-**

**Case No. 6:06-cv-356-Orl-22DAB**

**18TH JUDICIAL CIRCUIT COURT IN  
AND FOR SEMINOLE COUNTY,  
FLORIDA, AND FIFTH DISTRICT  
COURT OF APPEALS OF FLORIDA,**

**Defendants.**

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**ORDER**

Upon the Court's review of this case, it is ORDERED as follows:

1. The Magistrate Judge's March 23, 2006 Report and Recommendation ("R&R") (Doc. 3) is APPROVED AND ADOPTED insofar as it recommends dismissal on the basis of *Abella v. Rubino*, 63 F.3d 1063 (11<sup>th</sup> Cir. 1995). The Court need not reach the other grounds for dismissal set forth in the R&R.


2. Plaintiff's Objection (Doc. 4) to the R&R, filed on March 28, 2006, is OVERRULED. Although Plaintiff's complaint seeks declaratory relief, rather than money damages, declaratory relief claims which challenge the validity of the claimant's conviction are not cognizable under 42 U.S.C. § 1983. *Abella*, 63 F.3d at 1066.

3. Plaintiff's Motion for Leave to Proceed *In Forma Pauperis* (Doc. 2), filed on March 21, 2006, is DENIED.

4. This action is DISMISSED as frivolous.

5. The Clerk shall close this case.

**DONE** and **ORDERED** in Chambers, in Orlando, Florida on March 31, 2006.

  
ANNE C. CONWAY  
United States District Judge

Copies furnished to:

Counsel of Record  
Unrepresented Party  
Magistrate Judge Baker