

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

ANTIONE AIRCEL PAYNE

CIVIL ACTION

VERSUS

NO: 14-225

JEFFERSON PARISH SHERIFF'S
DEPARTMENT, ET AL.

SECTION: R(2)

ORDER

Plaintiff Antoine Aircel Payne, a prisoner at the Jefferson Parish Correctional Center, has filed a civil lawsuit under 18 U.S.C. § 1983.¹ The Magistrate Judge has recommended that Payne's federal civil rights claim be dismissed with prejudice as frivolous or for failing to state a claim on which relief may be granted.² No objections to Magistrate Judge Wilkinson's Report and Recommendation have been filed. The Court, having reviewed de novo plaintiff's complaint, the applicable law, and Magistrate Judge Knowles' Report and Recommendation, hereby approves the R&R and adopts it as its opinion, with the following addition.

Payne's complaint seeks \$4 million in damages, the firing of Detective Faucetta and Sergeant Fourcade, and the dismissal of the charges against him. As Judge Wilkinson explained, Payne is not entitled to monetary compensation or to the firing of the two officials because he has no constitutionally protected interest

¹ R. Doc. 1.

² R. Doc. 4.

in the prosecution of another.³ Payne is not entitled to release from confinement because he has not provided any reason why his prosecution is unconstitutional. Moreover, the Court notes that, even if Payne had made such an argument, "a federal court cannot enjoin a pending criminal trial in state court, absent exceedingly rare and extraordinary circumstances." *Ballard v. Wilson*, 856 F.2d 1568, 1569-70 (5th Cir. 1988) (citing *Younger v. Harris*, 401 U.S. 37 (1971)).

Accordingly, plaintiff's complaint is DISMISSED WITH PREJUDICE.

New Orleans, Louisiana, this 17th day of March, 2014.

A handwritten signature in black ink that reads "Sarah S. Vance". The signature is written in a cursive style and is positioned above a solid horizontal line.

SARAH S. VANCE
UNITED STATES DISTRICT JUDGE

³ See *id.* at 4.