

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

MARIO O'BRIEN WESTBROOK

CIVIL ACTION

VERSUS

NO. 14-2546

ORLEANS PARISH D.A.
CANNIZZARO ET AL.

SECTION "H" (2)

ORDER

The court, having considered the complaint, the record, the applicable law, the Report and Recommendation of the United States Magistrate Judge, and the failure of plaintiff to file an objection to the Magistrate Judge's Report and Recommendation, hereby approves the Report and Recommendation of the United States Magistrate Judge and adopts it as its opinion in this matter. Therefore,

IT IS ORDERED that plaintiff's complaint asserting claims pursuant to 42 U.S.C. § 1983 is hereby **DISMISSED WITH PREJUDICE** as legally frivolous or under *Heck v. Humphrey*, 512 U.S. 477 (1994), until such time as the *Heck* requirements are met.

IT IS FURTHER ORDERED that all habeas corpus claims asserted in plaintiff's Section 1983 complaint are **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies.

New Orleans, Louisiana, on this 6th day of April, 2015.



JANE TRICHE MILAZZO
UNITED STATES DISTRICT JUDGE