

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

RICHARD NATHANIEL MILLER

CIVIL ACTION

VERSUS

NO. 16-5778

EDITH BROWN CLEMENT, UNITED  
STATES FIFTH CIRCUIT JUDGE ET AL.

SECTION "E"(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. Accordingly,

**IT IS ORDERED** that plaintiff's complaint asserting claims pursuant to 42 U.S.C. § 1983 is **DISMISSED WITH PREJUDICE**, either as legally frivolous, for failure to state a claim or on immunity grounds under 28 U.S.C. § 1915(e)(2), 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 1983 complaint are **DISMISSED WITH PREJUDICE**, as successive, subject to Miller's ability to seek leave from the United States Court of Appeals for the Fifth Circuit to pursue a successive habeas corpus application.

New Orleans, Louisiana, this 29th day of August, 2016.

  
UNITED STATES DISTRICT JUDGE