

FILED
DIST COURT
MIDDLE DIST OF LA
2008 FEB -8 A 10: 28

ANTHONY PAYTON

VERSUS

CORNELL HUBERT, ET AL

SIGN
BY DEPUTY CLERK
CIVIL ACTION

NO. 07-506-JVP-CN

RULING ON MOTION FOR RECONSIDERATION

On January 2, 2008, judgment was entered against *pro se* plaintiff, Anthony Payton, dismissing his claims with prejudice (doc. 14). The court thereafter denied plaintiff's motion to "reconsider" the judgment (doc. 16). Now before the court are plaintiff's motion for voluntary dismissal (doc. 17) and to reconsider the court's ruling adopting the report and recommendation of Magistrate Judge Christine Noland (doc. 21).

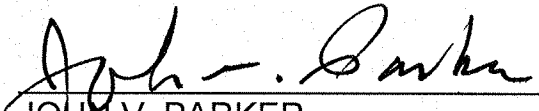
The only argument¹ in support of the motion to reconsider essentially amounts to a new claim and is wholly irrelevant to the recommendation of the magistrate judge that was ultimately adopted by the court.²

¹Plaintiff argues "that the original sentence petitioner received from the sentencing court by way of a plea agreement was invalidated when the respondents changed petitioner's sentence illegally without the necessary legislative intent and statutory provisions authorizing them to do so" (doc. 22, p. 2).

²The court concluded that plaintiff's claim for money damages resulting from the alleged wrongful denial of the right to earn good-time credits should be dismissed until the conditions set forth in *Heck v. Humphrey*, 512 U.S. 477 (1994) are satisfied.

Accordingly, the motion for reconsideration (doc. 21) is hereby **DENIED**.
Because judgment has already been entered against him, plaintiff's motion for
voluntary dismissal (doc. 17) is hereby **DENIED AS MOOT**.

Baton Rouge, Louisiana, February 8, 2008.



JOHN V. PARKER
UNITED STATES DISTRICT JUDGE
MIDDLE DISTRICT OF LOUISIANA