

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

MICHAEL SHOEMAKER

VERSUS

CIVIL ACTION NO.: 09-960-JVP-CN

EDWARD GONZALES, ET AL

**RULING**


The court has carefully considered the petition, the record, the law applicable to this action, and the Report and Recommendation of United States Magistrate Judge Christine Noland dated April 16, 2010 (doc. 8). Plaintiff has filed an objection which merely restates legal argument and does not require *de novo* factual findings under 28 U.S.C. § 636.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein.

Accordingly, this action shall be **DISMISSED WITH PREJUDICE**, until the conditions set forth in *Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994) are met.

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, June 23, 2010.

  
RALPH E. TYSON, CHIEF JUDGE  
UNITED STATES DISTRICT JUDGE  
MIDDLE DISTRICT OF LOUISIANA