

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

LONNIE MOSLEY (#115206)

CIVIL ACTION

VERSUS

NO. 10-0385-FJP-CN

JAMES LeBLANC, SECRETARY

O P I N I O N

After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report to which no objection was filed:

IT IS ORDERED that the plaintiff's Complaint shall be dismissed as frivolous within the meaning of 28 U.S.C. §§ 1915(e) and 1915A, without prejudice to the plaintiff's right to pursue habeas corpus relief and without prejudice to his right to seek monetary damages upon satisfaction of the requirements of *Heck v. Humphrey, supra*.¹

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, July 14, 2010.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA

¹ Note that 28 U.S.C. § 1915A(g) specifically provides that, "[i]n no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury."