

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JAMES M. SARGENT, JR. (#339638)

VERSUS

STATE OF LOUISIANA, ET AL.

CIVIL ACTION

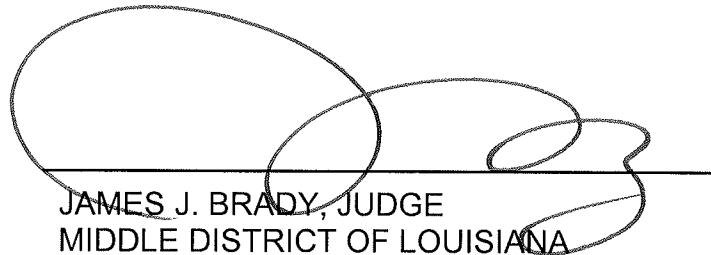
NO. 10-402-JJB-DLD

**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 Docia L. Dalby dated July 2, 2010 (doc. no. 4) to which no objection has been filed.

The court hereby approves the report and recommendation of the magistrate judge and adopts it as the court's opinion herein. Accordingly, the plaintiff's § 1983 action is DISMISSED, with prejudice, as legally frivolous under 42 U.S.C. § 1915, until the conditions set forth in Heck v. Humphrey, *supra*, are met. *See, e.g., Johnson v. McElveen*, 101 F.3d 423 (5<sup>th</sup> Cir. 1997) ("Under Heck, [the plaintiff] cannot state a claim so long as the validity of his conviction has not been called into question as defined therein, which requires dismissal of claims not meeting its preconditions for suit").

Baton Rouge, Louisiana, this 4th day of August, 2010.



JAMES J. BRADY, JUDGE  
MIDDLE DISTRICT OF LOUISIANA