

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

CHARLES NEWMAN SIMON, JR. (#315737)

CIVIL ACTION

VERSUS

NO. 10-0496-FJP-CN

RICHARD L. STALDER

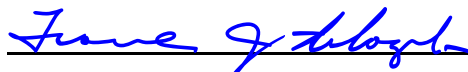
O P I N I O N

After independently reviewing the entire record in this case and for reasons set forth in the Magistrate Judge's Report to which an objection was filed:

IT IS ORDERED that the plaintiff's claims shall be dismissed as legally frivolous within the meaning of 28 U.S.C. § 1915(e), and that this action shall be dismissed, with prejudice, at least until the provisions of Heck v. Humphrey, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d (1994), and Edwards v. Balisok, 520 U.S. 641, 117 S.Ct. 1584, 137 L.Ed.2d 906 (1997), are satisfied.¹

Judgment shall be entered accordingly.

Baton Rouge, Louisiana, October 4, 2010.



FRANK J. POLOZOLA
MIDDLE DISTRICT OF LOUISIANA

1

Note that 28 U.S.C. § 1915(g) 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."