

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

JAMES BERRY (#108850)

CIVIL ACTION

VERSUS

NO. 11-196-JJB-DLD

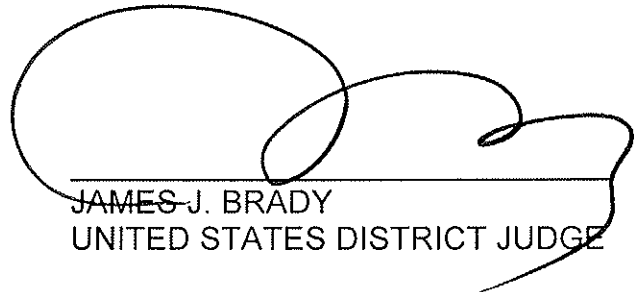
JAMES LEBLANC

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 September 6, 2011 (doc. no. 7) 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 (5th Cir. 1997). In addition, in light of the resolution of the plaintiff's claim, the pending motions doc. no. 5 and 6, are DENIED AS MOOT.

Baton Rouge, Louisiana, this 5th day of October, 2011.



JAMES J. BRADY
UNITED STATES DISTRICT JUDGE