

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

JERRY LEE MARKS (#110257)

VERSUS

CAPT. KENNETH STUART, ET AL.

CIVIL ACTION

NO. 12-344-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 September 18, 2012 (doc. no. 16). Petitioner filed an objection to the report and essentially makes the same arguments which have been duly addressed by the Magistrate Judge.

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 claim brought pursuant to 42 U.S.C. § 1983 is DISMISSED as frivolous pursuant to 28 U.S.C. § 1915(e), without prejudice to the plaintiff's right to seek habeas corpus relief and/or other relief upon satisfaction of the requirements set forth in Heck v. Humphrey, supra.

Baton Rouge, Louisiana, this 28<sup>th</sup> day of October, 2012.

  
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JAMES J. BRADY, JUDGE  
MIDDLE DISTRICT OF LOUISIANA