UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

HAROLD JOE BLACK (#111111) **CIVIL ACTION**

VERSUS

WNC MORVANT, ET AL. **NO.: 3:13-cv-00019-BAJ-RLB**

RULING AND ORDER

Before the Court is Petitioner's **PETITION UNDER 28 U.S.C. § 2254 FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY (Doc. 1).** The Magistrate Judge has issued a **REPORT AND RECOMMENDATION (Doc. 6),** recommending that Petitioner's Petition be dismissed with prejudice for failure to "assert any issues cognizable in a habeas corpus proceeding." (*Id.* at p. 2). Petitioner filed timely objections to the Magistrate Judge's Report. (Doc. 9).

Having independently considered Petitioner's **PETITION (Doc. 1)** and related filings—including Petitioner's objections[1]—the Court **APPROVES** the Magistrate Judge's **REPORT AND RECOMMENDATION (Doc. 6),** and **ADOPTS** it as the Court's opinion herein.

Accordingly,

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[1] Petitioner's objections focus primarily on whether the Magistrate Judge properly considered the *Rooker-Feldman* Doctrine in determining that "this Court . . . is unable to grant the relief sought by the plaintiff, [specifically,] compelling state judicial officers to allow the plaintiff's administrative claims to proceed," (Doc. 6 at pp. 6–7). (*See* Doc. 9 at pp. 2–4). However, even if this Court were to assume that *Rooker-Feldman* is *inapplicable* here, Petitioner has failed to explain how his habeas petition, if granted, would impact his custody status, rather than simply reinstate his administrative claims. (*See generally* Doc. 9). Accordingly, Petitioner has failed to show that habeas corpus is the proper vehicle for the relief he seeks. *See Carson v. Johnson*, 112 F.3d 818, 820–21 (5th Cir. 1997) ("If a favorable determination would not automatically entitle the prisoner to accelerated release, the proper vehicle is a § 1983 suit." (quotation marks, alterations, and citations omitted)).

IT IS ORDERED that Petitioner's § 2254 Petition (Doc. 1) is **DISMISSED WITH PREJUDICE** for the reasons explained in the Magistrate Judge's Report and Recommendation (Doc. 6).

Baton Rouge, Louisiana, this 4th day of December, 2013.

BRIAN A. JACKSON, CHIEF JUDGE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA