

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

ST. AMANT

CIVIL ACTION

VERSUS

DABEDIE, ET AL.

NO.: 3:14-cv-00446-BAJ-SCR

RULING AND ORDER

On August 1, 2014, the United States Magistrate Judge issued a Report and Recommendation, pursuant to 28 U.S.C. § 636(b)(1), recommending that Plaintiff Jessie St. Amant's Complaint (Doc. 1) be dismissed for failure to state a claim on which relief may granted under 28 U.S.C. § 1915(e)(2)(B)(ii). (Doc. 8). Plaintiff filed a timely objection to the report and recommendation on August 8, 2014.¹ (Doc. 9).

Having carefully considered the Plaintiff's Complaint and related filings, the Court approves the Magistrate Judge's Report and Recommendation, and hereby adopts its findings of fact, conclusions of law, and recommendation.

Accordingly,

IT IS ORDERED that the **Magistrate Judge's Report (Doc. 8)** is **ADOPTED** as the Court's opinion herein.

¹ Plaintiff's objection merely reiterates his claims challenging the existence of probable cause at the time of his arrest and the calculation of good time credits. To the extent that he cites case law in support of his objections, the case law is unavailing. Under *Heck v. Humphrey*, 512 U.S. 477 (1994), Plaintiff must prove that his conviction was reversed, expunged, declared invalid, or called into question by a federal court's issuance of a writ of habeas corpus to recover damages under 42 U.S.C. § 1983. *Id.* at 486-87. In addition, with respect to Plaintiff's challenge regarding the calculation of his good time credits, as articulated in the Magistrate Judge's Report and Recommendation, § 1983 is not the appropriate statute under which to seek relief when challenging the fact or duration of one's confinement. (See Doc. 8 at p. 5).

IT IS FURTHER ORDERED that the above captioned matter be **DISMISSED** without prejudice to Plaintiff's right to seek federal habeas corpus relief regarding his claims alleging denial of good time credits. (Doc. 8).

Baton Rouge, Louisiana, this 17th day of November, 2014.

A handwritten signature in blue ink, appearing to read "Brian A. Jackson", written over a horizontal line.

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