

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MICHAEL NELSON

CIVIL ACTION

VERSUS

JAMES M. LEBLANC, ET AL.

NO. 24-00017-BAJ-RLB

RULING AND ORDER

Plaintiff, an inmate confined at the West Baton Rouge Detention Center in Port Allen, Louisiana, has filed a civil rights action under 42 U.S.C. § 1983, alleging that his constitutional right to due process was violated by an alleged sentencing error and subsequent overdetention. (Doc. 1). Pursuant to the screening provisions of 28 U.S.C. §§ 1915(e)(2)(B) and 1915A, the Magistrate Judge has now issued a **Report and Recommendation (Doc. 5, the “Report”)**, recommending that Plaintiff’s federal constitutional claims be dismissed with prejudice for failure to state a claim, because such claims necessarily call into question the validity of his present confinement, and therefore can only be brought in a habeas corpus proceeding. The Report further recommends that the Court decline to exercise supplemental jurisdiction over Plaintiff’s potential state law claims, to the extent any such claims exist. (*Id.*). Plaintiff objects to the Report. (Doc. 7).¹

¹ Plaintiff cites to several cases in his objection which he holds out to be contrary to the conclusions of the Report. (Doc. 7 at pp. 1-3 (citing *Frederick v. LeBlanc*, 563 F. Supp. 3d 527, 530 (M.D. La. 2021), *vacated and remanded*, No. 21-30660, 2023 WL 1432014 (5th Cir. Feb. 1, 2023); *Hicks v. LeBlanc*, 81 F.4th 497, 500 (5th Cir. 2023); *McNeal v. LeBlanc*, 93 F.4th 840 (5th Cir. 2024)). Not so. Each of these cases holds that *Heck* does not bar a person from pursuing monetary claims under 42 U.S.C. § 1983 for overdetention, but each also impliedly cabins the availability of such claims to those persons who have already been released from confinement. See *Frederick*, 563 F. Supp. 3d at 532; *Hicks*, 81 F.4th at 508; *McNeal v.*

Upon de novo review, and having carefully considered the Plaintiff's Complaint, the Report, and Plaintiff's objections, the Court **APPROVES** the Report and **ADOPTS** it as the Court's opinion in this matter.

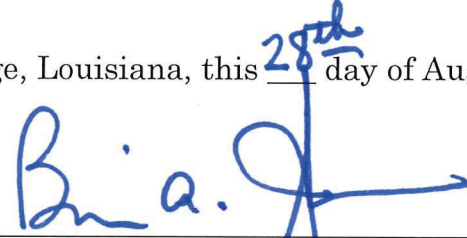
Accordingly,

IT IS ORDERED that Plaintiff's federal constitutional claims be and are hereby **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §§ 1915(e) and 1915A for failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED that the Court declines to exercise supplemental jurisdiction over Plaintiff's potential state law claims.

Judgment shall issue separately.

Baton Rouge, Louisiana, this 28th day of August, 2024



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