

RECEIVED
USDC, WESTERN DISTRICT OF LA
TONY M. BUCKNER, CLERK
ALEXANDRIA, LOUISIANA
DATE 12/19/11
BY gbr

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

DARREL TREMAINE CARTER

CIVIL ACTION NO. 2:10-cv-1131

VS.

SECTION P

DON DIXON, ET AL

JUDGE TRIMBLE
MAGISTRATE JUDGE KAY

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record and noting the absence of objections thereto, and concurring with the Magistrate Judge’s findings under the applicable law;

IT IS ORDERED THAT plaintiff’s claims against defendants Chief Don Dixon, Warden Nugent, Fuseliers Bail Bonds, Probation Officer Roland Dudley, Probation Officer Elizabeth Montgomery, Judge Mike Cannady, Judge David Ritchie, Andrew Cassanave, David Palay, Lake Charles Police Department, City of Lake Charles, and Calcasieu Parish be **DISMISSED WITH PREJUDICE** as frivolous, for failing to state a claim for which relief may be granted and for seeking monetary relief against a defendant who is immune from suit;

IT IS ALSO ORDERED THAT, as to plaintiff’s claims against the remaining defendants, this action be **STAYED** under the following conditions:

- a. If plaintiff intends to proceed with his claims, within thirty (30) days of the date the criminal proceedings against him have concluded he must file a motion asking the court to lift the stay.

- b. If the stay is lifted and the court finds plaintiff's claims would impugn the validity of his conviction, the action will be dismissed under *Heck*; if no such finding is made, the action will proceed at that time, absent some other bar to suit. See *Wallace*, 127 S.Ct. at 1098.
- c. In light of the stay, plaintiff should not file any more documents in this action until the state court proceedings have concluded.

IT IS FURTHER ORDERED that all other portions of plaintiff's civil rights complaint, be **DISMISSED WITH PREJUDICE** as frivolous or for failing to state a claim for which relief may be granted.

THUS DONE AND SIGNED, in chambers, in Lake Charles, Louisiana, on this the 19th day of December, 2011.



JAMES T. TRIMBLE, JR.
UNITED STATES DISTRICT JUDGE