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JUL 31 2014

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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

KENNETH MONTGOMERY

Plaintiff

V.

STATE OF LOUISIANA, ET AL.

Defendants

* **CIVIL ACTION NO. 2:13-CV-884**

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* **JUDGE MINALDI**

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* **MAGISTRATE JUDGE KAY**

JUDGMENT

For the reasons stated in the Report and Recommendation [Doc. 10] of the Magistrate Judge previously filed herein, after an independent review of the record, a *de novo* determination of the issues as well as the plaintiff's Objections [Docs. 11 & 14], and having determined that the findings of the Magistrate Judge, as amended in the accompanying Memorandum Ruling, are correct under applicable law,

IT IS ORDERED that the plaintiff's claims for monetary damages resulting from his alleged illegal arrest, trial, and conviction be and hereby are **DISMISSED, WITH PREJUDICE**, as legally frivolous pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(i),(ii).

IT IS FURTHER ORDERED that the plaintiff's application for a writ of *habeas corpus* be and hereby is **DISMISSED, WITHOUT PREJUDICE**.

Lake Charles, Louisiana, this 31 day of July, 2014.

[Signature]

PATRICIA MINALDI
UNITED STATES DISTRICT JUDGE