

RECEIVED
USDC, WESTERN DISTRICT OF LA.
TONY R. MOORE, CLERK
DATE 10/18/10
BY [Signature]

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

KING GEORGE MURRAY, III
VERSUS
DON BARTLEY, ET AL.

CIVIL ACTION NO. 3:10-cv-1011
JUDGE ROBERT G. JAMES
MAGISTRATE JUDGE KAREN L. HAYES

JUDGMENT

For the reasons stated in the Report and Recommendation [Doc. No. 7] of the Magistrate Judge previously filed herein, and after an independent review of the record, determining that the findings are correct under the applicable law, and considering the objections [Doc. Nos. 9, 10, & 12] to the Report and Recommendation in the record,

IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiff's civil rights complaint be **DISMISSED WITH PREJUDICE** as frivolous pursuant to the provisions of 28 U.S.C. § 1915(e)(2). Plaintiff may file a new civil rights complaint if and when he can meet the *Heck v. Humphrey* conditions that his conviction has been reversed, expunged, declared invalid, or called into question by issuance of a writ of *habeas corpus*. The dismissal of this lawsuit shall not count as a strike against Plaintiff under 28 U.S.C. § 1915(g) because he was not imprisoned at the time he filed his Complaint.

IT IS FURTHER ORDERED that Plaintiff's Motion to Withdraw Lawsuit [Doc. No. 11] is DENIED AS MOOT.

MONROE, LOUISIANA, this 17 day of October, 2010.

[Signature]
ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE