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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

JAMES JACOB JONES
LA. DOC #126632

CIVIL ACTION NO. 3:11-cv-1321

VERSUS

SECTION P

JUDGE ROBERT G. JAMES

TARVORES MONTGOMERY, ET AL. MAGISTRATE JUDGE KAREN L. HAYES

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, determining that the findings are correct under the applicable law, and noting the absence of objections to the Report and Recommendation in the record,

IT IS ORDERED THAT 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 v. Humphrey*, 512 U.S. 477 (1994), and *Hudson v. Hughes*, 98 F.3d 868 (5th Cir. 1996); if no such finding is made, the action will proceed at that time, absent some other bar to suit. See *Wallace v. Kato*, 549 U.S. 384 (2007); and,
- c. In light of the stay, Plaintiff should not file any more documents in this action until the state court proceedings have concluded.

MONROE, LOUISIANA, this 29 day of November, 2011.

Robert G. James

ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE