

RECEIVEDUSDC, WESTERN DISTRICT OF LA
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UNITED STATES DISTRICT COURT

100 DATE 2/28/19

WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

CHAUNCEY LEWIS

CIVIL ACTION NO. 3:11-cv-1732

VERSUS

SECTION P

JUDGE ROBERT G. JAMES

OFFICER MATTHEW HILL, ET AL. MAGISTRATE JUDGE KAREN L. HAYES

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, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record, and consistent with this Court's prior practice,

IT IS ORDERED that the Clerk of Court serve on Defendant Matthew Hill, through the U.S. Marshal, two (2) completed summons forms, one (1) USM-285 form, and a copy of the Magistrate Judge's Report and Recommendation [Doc. No. 8], this Judgment, the Complaint [Doc. No. 1], and Plaintiff's Objection [Doc. No. 9].

IT IS FURTHER ORDERED that this action— insofar as it seeks monetary damages for wrongful arrest, imprisonment and prosecution — be **STAYED** under the following conditions:

- a. Within thirty (30) days of the date the state court criminal proceedings against Plaintiff have concluded, the parties must file a status report with the Clerk of Court;
- b. If, after conclusion of the state court criminal proceedings, 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); 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, 393-94 (2007);
- c. In light of the stay, Plaintiff should not file any more documents in

this action until the state court proceedings have concluded; and

- d. Defendant shall not be required to answer during the pendency of the stay, and Plaintiff may not seek a default judgment or conduct any discovery.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that this action – insofar as Plaintiff seeks the dismissal of the pending criminal charges and his immediate release from custody – be **DISMISSED WITH PREJUDICE** for failing to state a claim for which relief may be granted.

MONROE, LOUISIANA, this 28 day of February, 2012.

A handwritten signature in cursive script, appearing to read "Robert G. James". The signature is written in black ink and is positioned above a horizontal line.

ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE