

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

ZHOLTON CORNILUS HENDRIX-EL

CIVIL ACTION NO. 16-0708

VERSUS

JUDGE ROBERT G. JAMES

STATE OF LOUISIANA, ET AL.

MAGISTRATE JUDGE HAYES

JUDGMENT

For the reasons set forth in this Court’s Ruling and for those additional 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,

IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiff’s claims against Defendants the State of Louisiana and the Fourth Judicial District Court, Parish of Morehouse are **DISMISSED WITHOUT PREJUDICE**.

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 shall not file any more documents in this action until the state court criminal proceedings have concluded; and

- d. Defendants 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 that the Notice of Intent to Dismiss issued by the Court on November 8, 2016 [Doc. No. 21] is **WITHDRAWN**, and Plaintiff's Motion for Extension of Time to Effect Service [Doc. 22] is **DENIED** as **MOOT**.

MONROE, LOUISIANA, this 17th day of January, 2017.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE