

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

CHONCEY ALLEN STAMPS
LA. DOC #231297

CIVIL ACTION NO. 3:16-CV-1700
SECTION P

VERSUS

JUDGE ROBERT G. JAMES

MIKE OUTZ

MAG. 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, ADJUDGED AND DECREED that Plaintiff's claims of violation of privacy and retaliation are **DISMISSED** as frivolous for failure to state a claim upon which relief may be granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff's request to bring criminal charges against Defendants and request for transfer are **DENIED**.

IT IS FURTHER ORDERED that this action – insofar as it seeks monetary damages for excessive force– is **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). If no such finding is made, the action will proceed at that time, absent some other bar to suit. *See Wallace v. Kato*, 547 U.S. 384 (2007);

- c. In light of the stay, Plaintiff should not file any more documents (other than an objection to this Report and Recommendation) in this action until the state court 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.

MONROE, LOUISIANA, this 14th day of August, 2017.



ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE