

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

JACK STEVEN SPEARS

CIVIL ACTION NO. 09-147-P

VERSUS

JUDGE HICKS

RICHARD O. KIRKHAM, JR., ET AL.

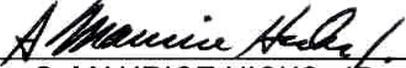
MAGISTRATE JUDGE HORNSBY

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, and noting the lack of written objections filed by Plaintiff and determining that the findings are correct under the applicable law;

IT IS ORDERED that Plaintiff's civil rights claims are **DISMISSED WITH PREJUDICE** as frivolous pursuant to Section 1915(e) until such time as the Heck conditions are met and that Plaintiff's request for habeas relief is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana, on this
23rd day of December 2009.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE