

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

DAVID LEE HILL

CIVIL ACTION NO. 13-0583

VERSUS

JUDGE S. MAURICE HICKS, JR.

HAI PHAN, ET AL.

MAGISTRATE JUDGE HORNSBY

ORDER

For the reasons assigned in the Report and Recommendation of the Magistrate Judge previously filed herein, and having thoroughly reviewed the record, no written objections having been filed, and concurring with the findings of the Magistrate Judge under the applicable law;

IT IS ORDERED that Plaintiff's Motions for Summary Judgment (Record Documents 114 and 116) be and are hereby **DENIED**.

IT IS FURTHER ORDERED that the Motion for Summary Judgment by Hai Phan ("Phan") (Record Document 135) be and is hereby **GRANTED** by dismissing the claim against Phan for excessive force and dismissing with prejudice all other claims against Phan to being asserted again until Plaintiff satisfies the Heck conditions. See Johnson v. McElveen, 101 F.3d 423, 424 (5th Cir. 1996).

IT IS FURTHER ORDERED that the Motion to Dismiss by Willie Shaw ("Shaw") (Record Document 136) be and is hereby **GRANTED** and all claims against Shaw are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that the Motion for Summary Judgment by Steve Prator ("Sheriff Prator") (Record Document 143) be and is hereby **GRANTED** and all claims

against Sheriff Prator are **DISMISSED WITH PREJUDICE**.

IT IS FURTHER ORDERED that all claims against “Unknown SPD Officer,” now known to be Corporal Scebern Willis, be and are hereby **DISMISSED WITH PREJUDICE**.

THUS DONE AND SIGNED at Shreveport, Louisiana, this the 5th day of May, 2016.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE