

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

DAVID LEE HILL

CIVIL ACTION NO. 13-0583-P

VERSUS

JUDGE S. MAURICE HICKS, JR.

HAI PHAN, ET AL.

MAGISTRATE JUDGE HORNSBY

**ORDER**

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, and after an independent review of the record, including written objections (Record Document 68) filed by Plaintiff, and determining that the findings are correct under the applicable law;

**IT IS ORDERED** that Plaintiff's civil rights claims seeking monetary damages for his allegedly unconstitutional conviction and sentence be **DISMISSED WITH PREJUDICE** as frivolous under 28 U.S.C. § 1915(e) until such time as the Heck conditions are met.

**IT IS FURTHER ORDERED** that Plaintiff's civil rights claims against Charles Rex Scott, Alan J. Golden, John D. Mosely, Jr., Michael Enwright, Ross Owen, Gregory Scott Brady, Amanda Sullivan, and Mrs. Lewis be **DISMISSED WITH PREJUDICE** as frivolous under 28 U.S.C. § 1915(e).

**IT IS FURTHER ORDERED** that Plaintiff's request for habeas relief be **DISMISSED WITHOUT PREJUDICE** for failure to exhaust state court remedies.

Plaintiff's claims against Officer Hai Phan, Unknown SPD Officer, Steve Prator, Captain Farris, L. Eaton, Deputy Dinkins, Unknown Mail Room Clerk, and Sgt. Craft remain pending at this time.

Rule 11 of the Rules Governing Section 2254 Proceedings for the U.S. District Courts requires the district court to issue or deny a certificate of appealability when it enters a final order adverse to the applicant. The court, after considering the record in this case and the standard set forth in 28 U.S.C. Section 2253, denies a certificate of appealability because the applicant has not made a substantial showing of the denial of a constitutional right.

**THUS DONE AND SIGNED**, in chambers, in Shreveport, Louisiana, on this 16th day of July, 2015.

  
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S. MAURICE HICKS, JR.  
UNITED STATES DISTRICT JUDGE