

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

DAVID M. HARKEY

CIVIL ACTION NO. 14-3129-P

VERSUS

JUDGE S. MAURICE HICKS, JR.

DANNAH DEGRAW, 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 complaint is **DISMISSED WITH PREJUDICE** as frivolous and for failure to state a claim on which relief may be granted pursuant to 28 U.S.C. § 1915(e).

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

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 Shreveport, Louisiana, on this the 15th day of July, 2015.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE