

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

CHARLES DAVIS

CIVIL ACTION NO. 15-2871-P

VERSUS

JUDGE FOOTE

GARY LOFTIN, ET AL.

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Leamon Pouncy filed a motion for preliminary injunction and protection order on behalf of himself and nine other petitioners, including Petitioner Charles Davis [Doc. 1]. The motion alleges the discriminatory intent of the Caddo Parish District Attorney's Office in excluding prospective qualified black jurors solely on the basis of their race. The court construed the motion as a deficient petition for writ of habeas corpus pursuant to 28 U.S.C. §2254, and opened a new suit for each named petitioner. The court opened this action and ordered Petitioner Davis to submit his petition on approved forms and submit the \$5.00 filing fee or a completed application to proceed in forma pauperis [Doc. 3].

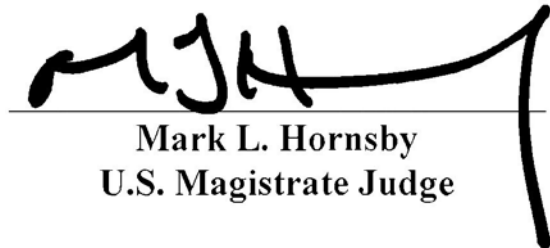
Petitioner Davis then submitted a petition for habeas relief pursuant to 28 U.S.C. §2254 on the proper form [Doc. 4]. In support of his petition, Davis alleges (1) the evidence was insufficient to support his convictions, (2) he was denied the right to confrontation, (3) his counsel failed to object to the detective's perjured testimony, (4) his counsel failed to object to the video interview, (5) his counsel failed to call a witness to impeach the victim, and (6) he received ineffective assistance of counsel during his habitual offender

adjudication. Petitioner Davis previously filed a petition for habeas relief pursuant to 28 U.S.C. §2254 which is currently pending before this court. Davis v. Cain, 5:15-cv-2444. Petitioner challenges the same convictions, habitual offender adjudication, and sentences and alleges the same claims in support of his petition.

Accordingly;

IT IS ORDERED that this petition is **DENIED WITHOUT PREJUDICE** as duplicative. The Clerk of Court is **DIRECTED** to close this civil action.

THUS DONE AND SIGNED in chambers, in Shreveport, Louisiana, this the 2nd of March, 2018.



Mark L. Hornsby
U.S. Magistrate Judge