

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

DEMARIO THOMAS

CIVIL ACTION NO. 17-1218-P

VERSUS

JUDGE S. MAURICE HICKS, JR.

JAMES C. STEWART, ET AL.

MAGISTRATE JUDGE HORNSBY

**JUDGMENT**


For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein(Record Document 13), and after an independent review of the record, including written objections filed by Plaintiff (Record Document 14) and determining that the findings are correct under the applicable law;

**IT IS ORDERED** that Plaintiff's civil rights claims seeking monetary damages and injunctive and declaratory relief 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 District Attorney James C. Stewart, the Caddo Parish District Attorney's Office, and Assistant District Attorneys Dale G. Cox, Dhu Thompson, and Holly McGinnes 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.

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, this 29th day of May, 2018.



S. MAURICE HICKS, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT