

UNITED STATES DISTRICT JUDGE
FOR THE WESTERN DISTRICT OF LOUISIANA

SHREVEPORT DIVISION

QUINTEN M. MORAN

CIVIL ACTION NO. 17-1254-P

VERSUS

JUDGE FOOTE

JAMES M. LEBLANC, 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, including written objections 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, declaratory, and injunctive relief for his allegedly unconstitutional disciplinary board convictions and sentences 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 his civil rights claims regarding false disciplinary reports, denial of due process, verbal threats and harassment, property, classification, the administrative remedy procedure, and conditions of confinement be **DISMISSED WITH PREJUDICE** as frivolous under 28 U.S.C. § 1915(e).

Plaintiff objects to the Report and Recommendation on the grounds that it does not address his claim that the actions he alleges in his complaint were undertaken by prison officials as “retaliatory punishment for opposing the mistreatment of other prisoners.”

Record Document 28 at 3. To state a claim for retaliation under 42 U.S.C. § 1983, a Plaintiff must allege retaliation for the exercise of a constitutional right. Woods v. Smith, 60 F.3d 1161, 1165 (5th Cir. 1995). In this case, Plaintiff has not identified a constitutional right he was exercising that led to the alleged retaliation and, therefore, he has not stated a cognizable retaliation claim.

THUS DONE AND SIGNED, in chambers, in Shreveport, Louisiana, on this 20th day of November, 2020.

A handwritten signature in black ink, appearing to read "Erny Foote", written over a horizontal line.

ELIZABETH ERNY FOOTE
UNITED STATES DISTRICT JUDGE