

RECEIVED
USDC, WESTERN DISTRICT OF LA
ROBERT H. SHENWELL, CLERK
DATE 03/12/09

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

HENRY H. DIXON LDOC #108641

CIVIL ACTION NO. 08-1623

VS.

SECTION P
JUDGE MELANÇON

DURWOOD W. CONQUE, ET AL

MAGISTRATE JUDGE METHVIN

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, determining that the findings are correct under the applicable law, and considering the objections to the Report and Recommendation in the record;

IT IS ORDERED that this complaint, insofar as it seeks Dixon's release from custody, be construed as a petition for *habeas corpus* (28 U.S.C. §22554) and that it be **DENIED AND DISMISSED WITHOUT PREJUDICE** because Dixon failed to exhaust all available State court remedies prior to filing suit;

IT IS FURTHER ORDERED that this complaint, insofar as it seeks money damages and the arrest and prosecution of the defendants, be **DENIED** and **DISMISSED WITH PREJUDICE** as frivolous.

THUS DONE AND SIGNED, in chambers, in Lafayette, Louisiana, on this 11th day of March, 2009.



TUCKER L. MELANÇON
UNITED STATES DISTRICT JUDGE