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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

STEPHEN COLLINS

CIVIL ACTION NO. 6:08-1683

VS.

SECTION P

STATE OF LOUISIANA, ET AL.

CHIEF JUDGE HAIK

MAGISTRATE JUDGE HILL

**JUDGMENT**


This matter was referred to United States Magistrate Judge C. Michael Hill for Report and Recommendation. No objections have been filed. The Court concludes that the Report and Recommendation of the magistrate judge is correct and therefore adopts the conclusions set forth therein. Accordingly;

**IT IS ORDERED** that plaintiff's civil rights complaint be **DISMISSED WITH PREJUDICE** subject to reassertion if the requirements of *Heck v. Humphrey* are met.

**IT IS FURTHER ORDERED** that plaintiff's claims against criminal defense attorney Rod Simon be alternatively **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §§1915(e)(2)(B)(ii) and 1915A(b)(1) because plaintiff has failed to state a claim upon which relief may be granted.

**IT IS FURTHER ORDERED** that plaintiff's *habeas corpus* claims be **DISMISSED WITHOUT PREJUDICE** for failure to exhaust available State court remedies.

**THUS DONE AND SIGNED**, in chambers, in Lafayette, Louisiana, on this 18<sup>th</sup>  
day of May, 2009.

  
**RICHARD T. HAIK**  
UNITED STATES DISTRICT JUDGE