

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE-OPELOUSAS DIVISION

DONALD BURGO
LA. DOC #197078

CIVIL ACTION NO. 09-1165

VERSUS

JUDGE MELANÇON

SOSTENES RUIZ, III, ET AL.

MAGISTRATE JUDGE METHVIN

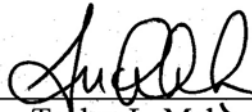
JUDGMENT

This matter was referred to United States Magistrate Judge Methvin for Report and Recommendation. After an independent review of the record, and noting the absence of any objections, the Court concludes that the Report and Recommendation of the Magistrate Judge is correct and adopts the findings and conclusions therein as its own. Accordingly, it is

ORDERED that plaintiff's civil rights complaint, insofar as plaintiff seeks damages for unlawful conviction and false imprisonment, be **DISMISSED WITH PREJUDICE** as frivolous and for failing to state a claim on which relief may be granted, pursuant to the provisions of 28 U.S.C. 1915. Plaintiff may assert these claims if and when he can meet the *Heck v. Humphrey* conditions.

IT IS FURTHER ORDERED that this civil rights complaint, insofar as it seeks plaintiff's immediate release from custody, be **DISMISSED WITH PREJUDICE** as frivolous.

THUS DONE AND SIGNED this 15th day of December, 2009 at Lafayette, Louisiana.



Tucker L. Melançon
UNITED STATES DISTRICT JUDGE