

MAR 06 2014
TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE, LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

BRANDON SCOTT LAVERGNE
LA. DOC #424229
VERSUS

CIVIL ACTION NO. 6:13-2121

SECTION P

JUDGE HAIK

LAINCY VASSEUR MARTINEZ

MAGISTRATE JUDGE HILL

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;

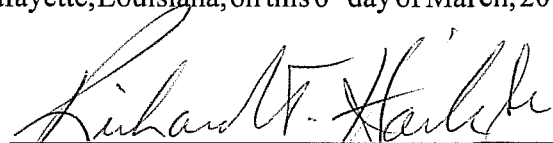
IT IS ORDERED that Lavergne's complaint concerning alleged false statements to police in 1999, 2000, 2005 and an instance of alleged entrapment in 2005 in connection with the Acadia Parish Sheriff's Office's original investigation of the Pate murder be **DISMISSED WITH PREJUDICE** as frivolous under to 28 U.S.C. §1915(e)(2)(B)(ii).

IT IS FURTHER ORDERED that Lavergne's civil rights claims be **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted.

IT IS FURTHER ORDERED that Lavergne's claims for money damages for making alleged false statements to police in July 2012 and for providing a letter to police which was used as evidence in his Louisiana criminal prosecution for the murders of Shunick and Pate be **DISMISSED WITH PREJUDICE** subject to reassertion if the requirements of *Heck v. Humphrey* are met.

IT IS FURTHER ORDERED that Lavergne's claims under Louisiana State law be **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.

THUS DONE AND SIGNED, in chambers, Lafayette, Louisiana, on this 6th day of March, 2013.


RICHARD T. HAIK, SR.
UNITED STATES DISTRICT JUDGE