

MAR 10 2014

TONY R. MOORE, CLERK
WESTERN DISTRICT OF LOUISIANA

BRANDON SCOTT LAVERGNE
L.A. DOC #424229

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

CIVIL ACTION NO. 6:13-2139

SECTION P

JUDGE HAIK

MAGISTRATE JUDGE HILL

VERSUS

PUBLIC DEFENDER FIFTEENTH
JUDICIAL DISTRICT COURT, ET AL

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 civil rights complaint be **DISMISSED WITH PREJUDICE** subject to reassertion if the requirement of *Heck v. Humphrey* are met.

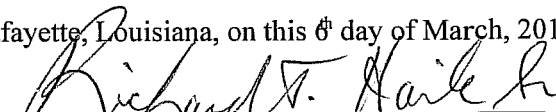
Alternatively, **IT IS FURTHER ORDERED** that Lavergne's claims against Fifteenth Judicial District Public Defender "Supervisor" Elliot Brown and court-appointed contract Public Defendants Burliegh Doga and Clay LeJeune be **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted and as frivolous.

Alternatively, **IT IS FURTHER ORDERED** that Lavergne's claims against the Fifteenth Judicial District Public Defender's Office 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 under Louisiana State law, if any, be **DISMISSED WITHOUT PREJUDICE**.

The Clerk of Court is directed to send a copy of this Judgment to the Keeper of the Three Strikes List, Tyler, Texas.

THUS DONE AND SIGNED, in chambers, Lafayette, Louisiana, on this 6th day of March, 2014.


RICHARD T. HAIK, SR.
UNITED STATES DISTRICT JUDGE