

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
RECEIVED LAFAYETTE

MAR 07 2014

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

TONY R. MOORE, CLERK  
WESTERN DISTRICT OF LOUISIANA  
BRANDON SCOTT LAMAR  
L.A. DOC #424229

CIVIL ACTION NO. 6:13-2145

SECTION P

VERSUS

JUDGE HAIK

KENT DAVID KLOSTER

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 claim concerning alleged false statements to law enforcement officials in August, 2000, in connection with the Acadia Parish Sheriff's Office's original investigation of the Pate murder be **DISMISSED WITH PREJUDICE** as frivolous under 28 U.S.C. §1915(e)(2)(B)(ii).

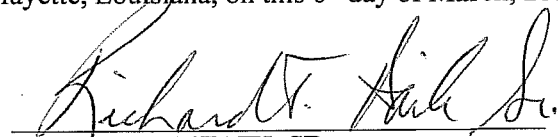
**IT IS FURTHER ORDERED** that Lavergne's civil rights claims be **DISMISSED WITH PREJUDICE** pursuant to 28 U.S.C. §1915(e)(2)(B)(ii) for failure to state a claim upon which relief can be granted.

**IT IS FURTHER ORDERED** that Lavergne's claims for money damages for making alleged false statements to law enforcement officials which were used to obtain an indictment against Lavergne 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** for lack of jurisdiction.

**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 6<sup>th</sup> day of March, 2013.

  
RICHARD T. HAIK, SR.  
UNITED STATES DISTRICT JUDGE