

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

ARLONDO K. HENSON

CIVIL ACTION NO. 6:17-CV-1186

VS.

SECTION P

UNASSIGNED DISTRICT JUDGE

KAWASKI THOMAS, ET AL

MAGISTRATE JUDGE PATRICK HANNA

JUDGMENT

For the reasons stated in the Report and Recommendation of the Magistrate Judge previously filed herein, determining that the findings are correct under the applicable law, and noting the absence of objections to the Report and Recommendation in the record, and consistent with this Court's prior practice,

IT IS ORDERED, ADJUDGED AND DECREED THAT plaintiff's claims against Deputy Kawaski Thomas for slander and defamation should be **DISMISSED WITH PREJUDICE** for failing to state a claim for which relief may be granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT this action – insofar as it seeks plaintiff's immediate release– be **DISMISSED WITH PREJUDICE** for failing to state a claim for which relief may be granted pursuant to Section 1983.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT this action – insofar as it seeks to remove Deputy Thomas or have him assigned to a desk job– be **DISMISSED WITH PREJUDICE** for failing to state a claim for which relief may be granted pursuant to Section 1983.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT plaintiff's claims against the St. Martin Parish Sheriff's Office be **DISMISSED WITH PREJUDICE** as the department is not a juridical person capable of being sued.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED THAT this action – insofar as it seeks monetary damages for wrongful arrest and imprisonment– be **STAYED** under the following conditions:

a. If plaintiff intends to proceed with his claims, within thirty (30) days of the date the criminal proceedings against him have concluded he must file a motion asking the court to lift the stay;

b. If the stay is lifted and the court finds plaintiff's claims would impugn the validity of his conviction, the action will be dismissed under *Heck*; if no such finding is made, the action will proceed at that time, absent some other bar to suit, such as prescription. See *Wallace*, 127 S.Ct. at 1098; and,

c. In light of the stay, plaintiff should not file any more documents (other than an objection to this Report and Recommendation) in this action until the state court proceedings have concluded.

d. Defendants shall not be required to answer during the pendency of the stay, and Plaintiff may not seek a default judgment or conduct any discovery.

LAFAYETTE, LOUISIANA, this 2 day of April, 2018.



UNITED STATES DISTRICT JUDGE