

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

**JOSEPH CLARK**

**CIVIL ACTION NO. 6:18-CV-00058**

**VERSUS**

**JUDGE TERRY A. DOUGHTY**

**LAFAYETTE POLICE DEPARTMENT, MAG. JUDGE CAROL B. WHITEHURST  
ET AL.**

**J U D G M E N T**


The Report and Recommendation of the Magistrate Judge [Doc. No. 19] having been considered, and after a *de novo* review of the entire record in this matter, including Plaintiff's objections [Doc. No. 20], and finding that the Magistrate Judge's findings are correct under the law and the record,

**IT IS ORDERED, ADJUDGED, AND DECREED** that the unopposed Motion to Dismiss Penalty, Punitive, or Exemplary Damages [Doc. No. 7] is **GRANTED**, and Plaintiff's claims for punitive damages are **DISMISSED WITH PREJUDICE**.

**IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that Motion to Dismiss For Failure to State a Claim Upon Which Relief Can Be Granted filed by Defendants Chief Toby Aguillard, individually and in his official capacity as chief of police of Lafayette City-Parish Consolidated Government ("LCG"), Officer Nick Bayard, individually and in his official capacity as a police officer for LCG, and Corporal Chris Cormier, individually and in his official capacity as a police officer for LCG [Doc. No. 5] is **GRANTED**, and Plaintiff's claims under 42 U.S.C. § 1983, as well as his state law claims are **DISMISSED WITH PREJUDICE**

as either barred under *Heck v. Humphrey* and/or prescribed and/or for failure to state a claim pursuant to Rule 12(b)(6).

MONROE, LOUISIANA, this 25<sup>th</sup> day of July, 2018.



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TERRY A. DOUGHTY  
UNITED STATES DISTRICT JUDGE