

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

WILLIE C. HANKERSON,

Plaintiff,

v.

ORDER

Civil File No. 17-295 (MJD/SER)

DENESE WILSON, Individual and
Official Capacity, et al.,

Defendants.

Willie C. Hankerson, pro se.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Steven E. Rau, dated March 27, 2017. Plaintiff Willie C. Hankerson filed objections to the Report and Recommendation. Plaintiff has also filed a Motion for Leave to File an Amended Complaint.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the Report and Recommendation of United States Magistrate Judge

Rau dated March 27, 2017. The Court has also considered Plaintiff's Motion for Leave to File an Amended Complaint. In that motion, Plaintiff states that he is not seeking to invalidate his sentence but that the Sentencing Reform Act should not have been applied to his offense for the purpose of calculating credit. The Court concludes that Plaintiff's proposed Amended Complaint suffers from the same defects as the current Complaint with regard to the Heck doctrine. Plaintiff has already presented his same Sentencing Reform Act credit argument to the D.C. Circuit and to the District of Arizona, both of which have rejected his petitions. Thus, filing the proposed Amended Complaint would be futile because it would be subject to summary dismissal on the same grounds as the original Complaint.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Steven E. Rau, dated March 27, 2017 [Docket No. 6].
2. Plaintiff's Motion for Leave to File an Amended Complaint [Docket No. 7] is **DENIED**.
3. Plaintiff's application to proceed in forma pauperis [Docket No. 5] is **DENIED**.

4. Plaintiff's Motion for Appointment of Counsel [Docket No. 3] is **DENIED**.
5. This matter is **SUMMARILY DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915(e)(2)(B).

Dated: June 2, 2017

s/ Michael J. Davis

Michael J. Davis

United States District Court