

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

Andre R. Levesque

v.

Civil No. 09-cv-437-JL

State of New Hampshire, et al.

O R D E R

Andre Levesque has filed a pleading entitled "Habeas Corpus Petition" in the above-captioned case. Upon review of the pleading, I find that Levesque seeks immediate release from incarceration. The pleading, therefore, is more appropriately considered a new habeas action. See Heck v. Humphrey, 512 U.S. 477, 481 (1994) (federal habeas petition is the appropriate means to challenge the actual fact or duration of confinement). Accordingly, I direct the Clerk's office not to docket it in the above-captioned case, but instead to treat it as a new habeas action.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Date: July 1, 2010

cc: Andre R. Levesque, pro se
Corey M. Belobrow, Esq.
Martin P. Honigberg, Esq.
Nancy J. Smith, Esq.