

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

WILLIAM L.A. CHURCH,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-10-1111-R
)	
OKLAHOMA CORRECTIONAL)	
INDUSTRIES, et al.,)	
)	
Defendant.)	

ORDER

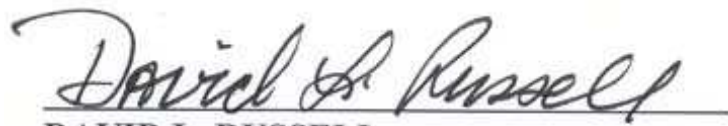
Before the Court is the Report and Recommendation of United States Magistrate Judge Valerie K. Couch on claims against the Virginia Defendants [Doc. No. 80] and Plaintiff’s Objections to that Report and Recommendation. Doc. No. 86.

Pursuant to 28 U.S.C. § 636(b)(1)(B), the Court reviews the Report and Recommendation *de novo* in light of Plaintiff’s objections.

Plaintiff’s objections are without merit. Because Plaintiff’s claims against the Commonwealth of Virginia, Virginia Department of Corrections and Virginia Parole Board necessarily imply the invalidity of Plaintiff’s conviction and confinement, his claims are not cognizable under 42 U.S.C. § 1983. *See Wilkinson v. Dotson*, 544 U.S. 74, 81-82, 125 S.Ct. 1242, 161 L.Ed.2d 253, 262 (2005); *Edwards v. Balisok*, 520 U.S. 641, 648, 117 S.Ct. 1584, 137 L.Ed.2d 906, 915 (1997); *Heck v. Humphrey*, 512 U.S. 477, 114 S.Ct. 2364, 129 L.Ed.2d 383 (1994). Discovery would not assist the Plaintiff because the foregoing is true as a matter of law.

In accordance with the foregoing, the Report and Recommendation on claims against the Virginia Defendants [Doc. No. 80] is ADOPTED, the motion of Defendants Commonwealth of Virginia, Virginia Department of Corrections and Virginia Parole Board to dismiss Plaintiff's Complaint [Doc. No. 52] is GRANTED and Plaintiff's Complaint against those Defendants is DISMISSED without prejudice.

IT IS SO ORDERED this 20th day of September, 2011.



DAVID L. RUSSELL
UNITED STATES DISTRICT JUDGE