

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

JALEN DANDRE REYNOLDS,)	
)	
Plaintiff,)	Civil Action No. 17-308 (Erie)
)	
v.)	
)	
DET. MATTHEW BERARDUCCI, et al.,)	United States District Judge
)	Mark R. Hornak
)	
Defendants.)	
)	
)	United States Magistrate Judge Susan
)	Paradise Baxter

MEMORANDUM ORDER

This case was commenced on November 13, 2017, and was referred to United States Magistrate Judge Susan Paradise Baxter for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges.

On August 13, 2018, Magistrate Judge Baxter filed a Report and Recommendation (ECF No. 27) recommending that the Defendants' Motion to Dismiss, ECF No. 17, be granted, principally on the grounds that the Plaintiff's claims are barred by the doctrine of *Heck v. Humphrey*, 512 U.S. 477 (1994). Thereafter, the Defendants filed an Amended Motion to Dismiss on the same grounds, with updated docket information relative to the Plaintiff's on-going state criminal proceedings, ECF No. 26. The Plaintiff has also moved for the appointment of counsel, ECF No. 25.

The Court has considered the Defendants' Motions, the Report and Recommendation, and the papers filed by the parties, and upon de novo review, concludes that the Motions to Dismiss

should be granted, the Plaintiff's Motion for Appointment of Counsel be denied, and that the Court should adopt the R&R as the Opinion of the Court and the case be dismissed.

After *de novo* review of the entire record, the following Order is entered:

AND NOW, this 31st day of August, 2018, it is hereby ORDERED, ADJUDGED and DECREED that 1) the Motion to Dismiss, ECF No. 17 and the Amended Motion to Dismiss, ECF No. 26, filed by the Defendants are granted, and the Plaintiff's Motion for the Appointment Counsel, ECF No. 25, is denied as moot¹. The Clerk shall close the case.

So **ORDERED** this 31st day of August, 2018.



Mark R. Hornak, United States District Judge

cc: all registered users of CM-ECF

Mr. Jalen Dandre Reynolds (by U.S. Mail)

¹ The Court concludes that this Motion should be denied, in that due to the preclusive effect of the *Heck v. Humphrey* doctrine, whether the Plaintiff is represented by counsel would not have an impact on the outcome in this case.