

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**MICHAEL DUNTAE FAGANS,**

**Plaintiff,**

**v.**

**CRAIG L BASS, ATTORNEY AT LAW;  
TANYA L REED, ASSISTANT  
DISTRICT ATTORNEY; DAVID  
BRABHAM, JUDGE; AND WILLIAM  
JENNINGS, JAIL ADMINISTRATOR;**

**Defendants.**

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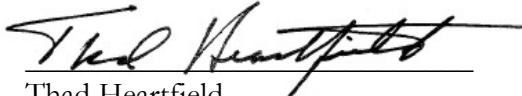
**CIVIL ACTION NO. 6:18-CV-00238-TH**

**ORDER ADOPTING REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

The above entitled and numbered civil action was referred to United States Magistrate Judge John D. Love pursuant to 28 U.S.C. § 636. On November 19, 2018, the Magistrate Judge issued his Report and Recommendation (Doc. No. 13), recommending that the above-styled case be dismissed with prejudice to the claims being asserted again until such time as Plaintiff can show that his conviction has been overturned, expunged by executive order, declared invalid in a state collateral proceeding, or called into question through the issuance of a federal writ of habeas corpus. Plaintiff, proceeding pro se and in forma pauperis, filed Objections (Doc. No. 15) to the Report and Recommendation. Generally speaking, Plaintiff argues that he previously requested an extension to comply with the Court's Orders to amend and pay an initial partial filing fee (Doc. Nos. 9 and 10), however, that request was never filed on the docket. (Doc. No. 15.) Plaintiff has also submitted an Amended Complaint (Doc. No. 16) with his Objections.

The Court conducted a de novo review of the portions of the Magistrate Judge's findings to which objections have been raised and finds that the Magistrate Judge's findings and conclusions are correct. 28 U.S.C. § 636(b)(1). Furthermore, the Court notes that Plaintiff's Amended Complaint (Doc. No. 16) does not overcome the Magistrate Judge's findings that Plaintiff's claims are barred by Heck v. Humphrey, 512 U.S. 477 (1994). Accordingly, the Court **OVERRULES** Plaintiff's Objections (Doc. No. 15) and **ADOPTS** the Magistrate Judge's Report and Recommendation (Doc. No. 13) as the findings of the Court. The above-styled case is **DISMISSED WITH PREJUDICE** to the claims being asserted again until such time as Plaintiff can show that his conviction has been overturned, expunged by executive order, declared invalid in a state collateral proceeding, or called into question through the issuance of a federal writ of habeas corpus.

**SIGNED** this the 23 day of May, 2019.

  
Thad Heartfield  
United States District Judge