

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KEVIN LEE MILAN,

Plaintiff,

v.

DALE HANNA, et al.,*

Defendants.

§
§
§
§
§
§
§
§
§

Civil Action No. **3:20-CV-363-L-BN**

ORDER

On August 5, 2021, The Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 10) was entered, recommending that the court dismiss without prejudice this action, as Plaintiff’s civil claims are subject to the rule announced in *Heck v. Humphrey*, 512 U.S. 477 (1994). No objections to the Report were received as of the date of this order, and the deadline for filing objections has expired.

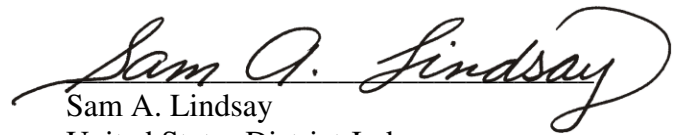
Having considered the pleadings, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, court **dismisses without prejudice** this action in accordance with *Heck v. Humphrey*, 512 U.S. 477 (1994).

The court prospectively **certifies** that any appeal of this action by Plaintiff would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates by reference** the Report (Doc. 14). *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on this Report, the court concludes that any appeal of this action by Plaintiff would present no legal point of arguable merit and would, therefore, be

* Other named Defendants include Johnson County Sheriff’s Department; Kelsey Jackson; Somervell County Sheriff’s Office; Confidential Informant #CI-19-0010; STOP Task Force; Dick Turner; and Judge Bosworth.

frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. See *Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 31st day of August, 2021.


Sam A. Lindsay
United States District Judge