

United States District Court
Southern District of Texas

ENTERED

March 12, 2018

David J. Bradley, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

SIDNEY LYNCH,

Plaintiff,

VS.

LORIE DAVIS, *et al*,

Defendants.

§
§
§
§
§
§
§
§

CIVIL NO. 2:17-CV-305

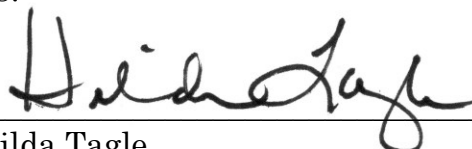
ORDER

The Court has before it the Memorandum and Recommendation (“M&R”) of the Magistrate Judge to whom this case was referred (Dkt. No. 10) and Plaintiff’s Objections to the M&R (Dkt. No. 11).

After independently reviewing the record and applicable law, the Court **ADOPTS** the M&R (Dkt. No. 10) and **DISMISSES WITH PREJUDICE** Petitioner’s complaint for failure to state a claim and/or as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1). As the Magistrate Judge found, Plaintiff’s challenge necessarily implies the invalidity of his disciplinary conviction, but that conviction has not been set aside. The *Heck* doctrine therefore bars his claims.

This dismissal counts as a “strike” for purposes of 28 U.S.C. § 1915(g), and the Court therefore **INSTRUCTS** the Clerk of the Court to send notice of this dismissal to the “Manager of the Three Strikes List for the Southern District of Texas” at Three_Strikes@txs.uscourts.gov.

SIGNED this 12th day of March, 2018.



Hilda Tagle
Senior United States District Judge