

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 98-50314  
Summary Calendar

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RAFAEL DE LA CERDA,

Plaintiff-Appellant,

versus

JAVIER PEREZ; ROGER D. CHILDRESS; THOMAS S. HINKLE;  
MAURICE NEWCOMB, Captain; JEFFERY JEFFCOAT, Assistant  
Warden; DAYTON J. POPPELL, Warden; JOHN DOES,  
Unidentified Members of the Classification Committee,  
and Others Unknown,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Western District of Texas  
USDC No. SA-97-CV-1264  
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June 2, 1999

Before DAVIS, DUHE', and PARKER, Circuit Judges.

PER CURIAM:\*

Rafael De La Cerda, Texas prisoner # 697829, appeals from the dismissal of his 42 U.S.C. § 1983 complaint pursuant to Heck v. Humphrey, 512 U.S. 477 (1994). Cerda argues that the district court abused its discretion when it took judicial notice of Cerda's prior federal habeas petition; judicially estopped him from asserting that he had fully exhausted his state remedies;

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

dismissed his claims of malicious prosecution, conspiracy to violate due process, intentional infliction of emotional distress, the denial of his right to petition for redress of grievances, procedural due process violations, and the denial of his freedom of speech pursuant to Heck; dismissed his right of access to the courts and to petition his grievances claims; dismissed his claim for a prospective injunction; and dismissed his challenge to the certification of administrative procedures under 42 U.S.C. § 1997(e).

We have reviewed the record and Cerda's brief and AFFIRM the district court's dismissal for essentially the same reasons set forth by the district court. Cerda v. Perez, No. SA-97-CV-1264 (W.D. Tex. Jan. 13, 1998).

AFFIRMED.