

cruel and unusual punishment due to double jeopardy clause and falsifying document and local government records.” *Id.* at 2, 12. (In addition to this civil complaint for damages, the prisoner filed a petition for a writ of *habeas corpus* based on factual allegations virtually identical to those in this complaint. The habeas action has been transferred to the court with personal jurisdiction over the prisoner’s custodian, the United States District Court for the Middle District of Pennsylvania. See Order Transferring Case, *Ceasar v. Dep’t of Corrections et al.*, Civil Action 09-603 (ESH) (D.D.C. Apr. 3, 2009).)

Article III of the Constitution extends the judicial power of the federal courts only to “Cases” and “Controversies.” U.S. CONST. art. III, § 2. The doctrine of ripeness is one of a cluster of “justiciability doctrines” that give meaning to the case or controversy requirement. *National Treasury Employees Union v. United States*, 101 F.3d 1423, 1427 (D.C. Cir. 1996). As a constitutional minimum, the ripeness doctrine requires that a case or controversy involve a concrete and demonstrable injury-in-fact. *Id.* An injury-in-fact must be, at the least, certainly impending. *Id.* Injuries that are remote or speculative will not suffice. *Id.* The prudential aspect of the doctrine further allows a court to balance “the fitness of the issues for judicial decision and the hardship to the parties of withholding consideration.” *Id.* at 1428 (quoting *Abbott Labs. v. Gardner*, 387 U.S. 136, 149 (1967)).

Here, the plaintiff seeks damages for an injury that has not yet occurred and may well not occur. As the plaintiff has not demonstrated any injury-in-fact that is certain and impending, the matter presented is not ripe and will be dismissed without prejudice for lack of jurisdiction.

A separate order accompanies this memorandum opinion.

Date: Apr. 7, 2009


United States District Judge