

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
DEC 3 2009
NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

ARON DEREL HOOD,

Plaintiff,

v.

JOHN ADAMS, WARDEN,

Defendant.

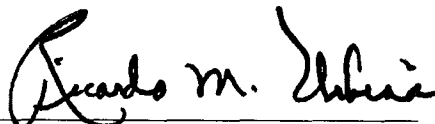
Civil Action No. 09-2001

MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and *pro se* complaint. The application will be granted, and the complaint will be dismissed.

Plaintiff brings this action under 42 U.S.C. § 1983, and alleges that defendant has incarcerated him in violation of his constitutional rights. Compl. at 1, 5. In addition to demanding reversal of his criminal conviction, he demands monetary damages. *Id.* at 5.

Because plaintiff's claim goes to the fact of his confinement, he cannot recover damages in this civil rights action under 42 U.S.C. § 1983 without showing that his confinement has been invalidated by "revers[al] on direct appeal, expunge[ment] by executive order, declar[ation of invalidity] by a state tribunal authorized to make such determination, or . . . a federal court's issuance of a writ of habeas corpus." *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994); accord *White v. Bowie*, 194 F.3d 175 (D.C. Cir. 1999) (table). Plaintiff has not satisfied this prerequisite and therefore fails to state a claim upon which relief can be granted. An Order consistent with this Memorandum Opinion will be issued separately on this date.


United States District Judge

DATE: 11/18/09

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