

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

LOU PATTON-BEY,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 04-108 (JR)
	:	
FEDERAL BUREAU OF PRISONS, <i>et al.</i> ,	:	
	:	
Defendants.	:	

MEMORANDUM

In this action brought under the Privacy Act, 5 U.S.C. § 552a, plaintiff accuses the Bureau of Prisons of providing “an incomplete, erroneous progress report” to the United States Parole Commission. Complaint at 3. He accuses the Parole Commission of unlawfully relying on the report in “render[ing] an adverse determination to retard/rescind [his] . . . parole release date” of December 16, 2003. *Id.* Plaintiff seeks monetary damages and his release from incarceration. Defendants move to dismiss or for summary judgment.

In order to recover damages under the Privacy Act, plaintiff must first invalidate the challenged portion of the sentence. This he cannot do except through a writ of *habeas corpus*. See *White v. United States Probation Office*, 148 F.3d 1124, 1126 (D.C. Cir. 1998) (applying *Heck v. Humphrey*, 512 U.S. 477 (1994)). The writ of *habeas corpus* also is the exclusive remedy for seeking release from custody. *Preiser v. Rodriguez*, 411 U.S. 475, 500 (1973). Defendants’ motion to dismiss is granted for failure to state a claim upon which relief may be granted. A separate Order accompanies this Memorandum.

JAMES ROBERTSON
United States District Judge