

FILED

DEC 10 2007

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

TREYMANE MONTGOMERY,

Plaintiff,

v.

UNITED STATES PAROLE  
COMMISSION, *et al.*

Defendants.

Civil Action No. 07-1214

**MEMORANDUM OPINION**

This matter comes before the Court on review of plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The Court will grant the application, and dismiss the complaint for the following reasons.

Plaintiff alleges that he has been detained for a period of time beyond the expiration date of aggregated sentences imposed by the Superior Court of the District of Columbia. He brings this civil rights action against the United States Parole Commission and the District of Columbia Department of Corrections Attorney General, and demands "punitive and compensatory damages for time spent extra in jail, loss of liberty, emotional anguish [and] loss of wages." Compl. at 5 (page numbers designated by the Court).<sup>1</sup>

Plaintiff's claim for damages in a civil rights action challenging the fact or duration of confinement must fail. Plaintiff must first establish that his confinement has been invalidated by

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<sup>1</sup> Insofar as plaintiff demands his immediate release from custody, *see* Compl. at 5, the proper means to do so is by filing a petition for writ of habeas corpus. *See Chatman-Bey v. Thornburgh*, 864 F.2d 804, 809 (D.C. Cir. 1988) (citing *Preiser v. Rodriguez*, 411 U.S. 475, 490 (1973)).

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“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 the prerequisite and therefore fails to state a claim.

The Court will dismiss the complaint without prejudice. An Order consistent with this Memorandum Opinion will be issued separately on this same date.

  
United States District Judge

Date: 11/26/07