UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
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NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Victor Bernard Perkins,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 07 2023
	)	
	)	
John Ashcroft,	)	
	)	
Defendant.	)	

MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant the application and will dismiss the case pursuant to 28 U.S.C. § 1915A(b)(2). Under that statute, the Court is required to screen a prisoner's complaint and dismiss it if, among other grounds, the complaint fails to state a claim upon which relief may be granted.

Plaintiff is an inmate confined at the Federal Medical Center in Rochester, Minnesota. He sues former Attorney General John Ashcroft for "wrongful imprisonment," allegedly because an unlawful parole revocation resulted in his service of 27 months. Compl. at 3. Plaintiff seeks $1,200 for each day that he was unlawfully imprisoned. Under the alleged circumstances, plaintiff cannot recover monetary damages without first establishing that his sentence 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). Plaintiff

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has not made such a showing here and therefore has failed to state a claim upon which relief may be granted. A separate Order of dismissal accompanies this Memorandum Opinion.

United States District Judge

Date: November 1, 2007