

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

OCT 23 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Juliet R. Cotton,

Plaintiff,

v.

Richard Langway *et al.*,

Defendants.

Civil Action No. 08 1816

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, a prisoner confined at the Federal Medical Center in Fort Worth, Texas, is serving a sentence of 180 months for bank fraud and other related federal offenses. *See Cotton v. Chapman*, 2008 WL 1734797 * 1 (N.D. Tex., April 14, 2008). In her 178-page "civil rights complaint," plaintiff in essence accuses the Assistant United States Attorney who prosecuted her of conspiring with bank employees and federal agents to convict her. She claims, among other misdeeds, that her conviction and sentence are based on fabricated evidence and racial discrimination. Plaintiff seeks damages far exceeding \$500 million. Because plaintiff's success on the merits of the complaint would necessarily invalidate her conviction, she cannot recover monetary damages under 42 U.S.C. § 1983 or *Bivens v. Six Unknown Named Agents of Federal*

Bureau of Narcotics, 403 U.S. 388 (1971) without first establishing that her conviction 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 has not made such a showing here. She therefore has failed to state a claim upon which relief may be granted. A separate Order of dismissal accompanies this Memorandum Opinion.

Date: October 3, 2008


United States District Judge