

FILED

APR 23 2009

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ELISE M. KINSEY,

Plaintiff,

v.

DEPARTMENT OF JUSTICE, *et al.*,

Defendants.

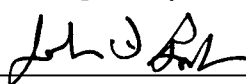
Civil Action No. 09-0488

MEMORANDUM OPINION

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

Plaintiff alleges that she is illegally incarcerated. *See* Compl. at 4. In this civil rights action, she demands monetary damages of "[§]1,000,000 for each year of illegal incarceration," as well as "total exoneration and exspangement [sic] of records." *Id.* Plaintiff may be awarded damages only if she first establishes 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); *accord White v. Bowie*, 194 F.3d 175 (D.C. Cir. 1999) (table). Plaintiff does not satisfied the prerequisite and therefore fails to state a claim. For these reasons, the Court will dismiss the complaint under 28 U.S.C. § 1915A(b)(1).

An Order consistent with this Memorandum Opinion is issued separately.



United States District Judge

DATE: April 22, 2009

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