

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 17 2010

Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

NATHANIEL SMITH THURSTON, JR.,)

Plaintiff,)

v.)

BARACK HUSSEIN OBAMA, *et al.*,)

Defendants.)

Civil Action No. **10 0798**

MEMORANDUM OPINION

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

Plaintiff brings this action under 42 U.S.C. § 1983, and alleges that he has been convicted and sentenced as a result of a vast conspiracy among federal judges and assorted federal government agencies designed to deprive plaintiff of rights protected under the First, Fifth, Sixth and Eighth Amendments to the United States Constitution. In addition to demanding an investigation of the allegedly corrupt judicial system, plaintiff demands monetary damages totalling \$204,002,000.

Because plaintiff's claims go to the fact of his confinement, he cannot recover damages in this civil rights action under 42 U.S.C. § 1983 without showing that his confinement 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 has not satisfied this prerequisite

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and therefore fails to state a claim upon which relief can be granted. This action will be dismissed under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1). An Order is issued separately.

DATE: 5/7/10

Ellen Huck
United States District Judge