

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

**FILED**  
JUL 30 2010  
Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

KEITH SMITH,

Plaintiff,

v.

THE UNITED STATES, *et al.*,

Defendants.

Civil Action No.

**10 1299**

**MEMORANDUM OPINION**

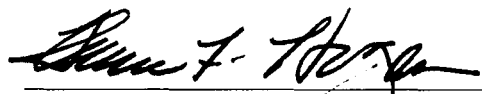
This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and *pro se* complaint. The application will be granted, and the complaint will be dismissed.

Plaintiff alleges that he has been kidnapped and is held illegally in a private prison, the Wheeler Correctional Facility in Alamo, Georgia. Among other relief, plaintiff demands unspecified injunctive relief and \$20 million in damages.

Because plaintiff's claims go to the fact of his incarceration, he cannot recover damages in this civil rights action 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 and therefore his complaint 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:

*July 28, 2010*

  
United States District Judge