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Because plaintiff's success on the merits of the complaint would necessarily invalidate his sentence, he cannot recover monetary damages without first establishing that the 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 has made no such showing here. Accordingly, the complaint will be dismissed. A separate Order accompanies this Memorandum Opinion.


United States District Judge

Date: August 16, 2010