FILED

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

AUG 3 0 2010

Shawn A. Phillips,)	Clerk, U.S. District and Bankruptcy Courts
Plaintiff,)	
v.) Civil Action No.	10-1467
Rob Haworth et al.,)	
Defendants.)	

MEMORANDUM OPINION

This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the case will be dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). Under that statute, the Court is required to dismiss a case "at any time" it determines that the complaint fails to state a claim upon which relief can be granted.

Plaintiff is a District of Columbia resident suing two officials of the United States Parole Commission and an official of the Court Services and Offender Supervision Agency. He alleges that defendants allowed him to sign an agreement on April 15, 2009, to revoke his parole and serve a prison term of nine months without first conducting a hearing on his mental competence. Plaintiff claims that defendants knew or should have known about his long history of mental illness and that "the Plea with the parole commission was not voluntarily made [due] to plaintiff[']s Mental Instability." Compl. at 3. Plaintiff seeks monetary damages exceeding \$2 million for due process violations, emotional distress "from . . . having to do jail time," and negligence. *Id.* at 5.

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.

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