

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
MAR - 7 2011
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

DONALD LEROY DAVIS,
Plaintiff,

v.

THE STATE OF GEORGIA,
Defendant.

Civil Action No.

11 0479

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.

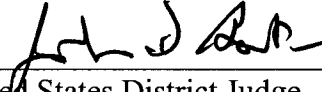
Plaintiff alleges that he "was sentence[d] to life imprisonment [sic] for malice murder" on April 25, 2000, and "shortly after this date . . . was sent to the Department of Corrections and sentenced to peonage slavery and trafficking persons" in violation of state law and the United States Constitution. Compl. at 1. Among other relief, plaintiff demands "mandatory restitution . . . in the sum of twenty million dollars." *Id.* at 2.

Because plaintiff's claim goes to the fact of his incarceration, he cannot recover damages in a 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.

This action will be dismissed under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1)

because the complaint fails to state a claim upon which relief can granted. An Order is issued separately.

DATE: *March 7, 2011*



United States District Judge