

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
SEP 15 2011
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

ALFONSO LOVE-EL,

Plaintiff,

v.

ISAAC FULWOOD, *et al.*,

Defendants.

Civil Action No. 11-1678

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.

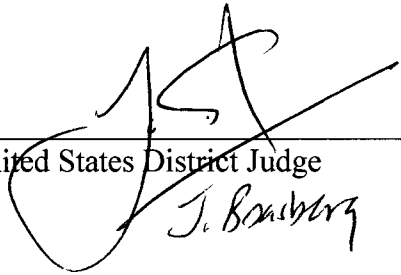
Plaintiff brings this civil rights action under 42 U.S.C. § 1983, *see* Compl. at 1, seeking compensatory damages of \$500,000 for his unlawful detention, *id.* at 2. Because plaintiff's claim goes to the fact of his incarceration, he cannot recover damages in a civil rights action without showing that 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.¹

This action will be dismissed without prejudice 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 be granted. An

¹ Plaintiff recently filed a petition for a writ of habeas corpus, *see Love-El v. Johnson*, Civ. No. 11-1186 (D.D.C. filed June 28, 2011), but the Court has not yet issued a ruling.

Order is issued separately.

DATE: *Sept. 13, 2011*


United States District Judge
J. Bronberg