

FILED

FEB - 4 2013

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

**Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia**

_____)	
DUANE R. OLSON,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 12-1976
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The Court will grant the application and dismiss the complaint.

According to the plaintiff, he has been arrested, convicted, sentenced and incarcerated in violation of rights protected under the Fourth, Fifth, Sixth and Eighth Amendments to the United States Constitution. He purports to bring this civil rights complaint under 42 U.S.C. § 1983, and he demands compensatory damages of \$200 million.

Because the success of the plaintiff's claims necessarily would void his conviction, the plaintiff cannot recover monetary damages without first showing that the conviction has been invalidated either by "revers[al] on direct appeal, expunge[ment] by executive order, . . . or . . . a federal court's issuance of a writ of habeas corpus." *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Plaintiff's criminal conviction has been affirmed on appeal. See *United States v. Olson*, 978 F.2d 1472 (7th Cir. 1992), *cert. denied*, 507 U.S. 997 (1993). He has not shown that his conviction has been invalidated, and, therefore,

he fails to state a claim upon which relief can be granted. Accordingly, the Court will dismiss the complaint. An Order accompanies this Memorandum Opinion.

SO ORDERED.

DATE: 1/31/13


United States District Judge