

APR 23 2014

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Noshir Gowadia,

Plaintiff,

V.

United States Air Force *et al.*,

Defendants.

Civil Action No.

MEMORANDUM OPINION

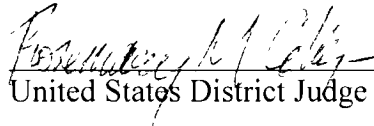
This matter is before the Court on review of plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A (requiring dismissal of a prisoner's complaint upon a determination that the complaint fails to state a claim upon which relief can be granted).

Plaintiff is a prisoner at the United States Penitentiary in Florence, Colorado. He sues the government for “false prosecution” and alleges that his convictions in the United States District Court for the District of Hawaii were obtained on fabricated evidence, false testimony, and coerced confessions. *See* Compl. at 6, 7, 10-27. Plaintiff demands a total of \$110 million in damages. *Id.* at 30.

Since the success of this action would necessarily render plaintiff's convictions void, plaintiff cannot recover monetary damages without first showing that he has invalidated the convictions 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 states that his “convictions are being appealed in the 9th Circuit . . . for multiple violations of the Constitution.” Compl. at 6. Hence, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

Date: April 4, 2014


United States District Judge