



*Parole*, 194 F.2d 882, 883 (D.C. Cir. 1952) (attack on the constitutionality of the statute under which defendant was convicted and sentenced is properly pursued by motion under 28 U.S.C. § 2255); *Ojo v. Immigration & Naturalization Service*, 106 F.3d 680, 683 (5th Cir. 1997) (the sentencing court is the only court with jurisdiction to hear defendant's complaint regarding errors that occurred before or during sentencing).

In addition, because voiding the criminal judgment would necessarily invalidate plaintiff's conviction and sentence, the instant "claims are not cognizable unless and until he meets the requirements of *Heck*" by having the conviction invalidated via direct appeal or habeas corpus, or declared void by an authorized tribunal. *Harris v. Fulwood*, 611 Fed. App'x 1, 2 (D.C. Cir. 2015) (citing *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994)); *see also id.*, quoting *Wilkinson v. Dotson*, 544 U.S. 74, 81-82 (2005) ("*Heck* applies 'no matter the relief sought (damages or equitable relief) . . . if success in [the] action would necessarily demonstrate the invalidity of confinement or its duration").<sup>1</sup> Consequently, this action will be dismissed for failure to state a claim. A separate order accompanies this Memorandum Opinion.

Date: October 28, 2015

  
United States District Judge

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<sup>1</sup> The Court lacks jurisdiction over the damages claim against the high-level officials in their official capacities. This is because the Federal Tort Claims Act ("FTCA"), 28 U.S.C. §§ 1346, 2671-80, provides a limited waiver of the sovereign's immunity for money damages "under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred." *Id.*, § 1346(b)(1). The complaint's allegations, such as they are, do not shed any light on how a private individual could be liable to plaintiff for a judgment entered by a federal judge. Moreover, The United States may be sued only upon consent "unequivocally expressed in statutory text[.]" *Lane v. Pena*, 518 U.S. 187, 192 (1996). The United States has not consented to be sued for the constitutional violations plaintiff alleges occurred as a result of the challenged judgment. *FDIC v. Meyer*, 510 U.S. 471, 476-78 (1994); *see* Compl. at 3.