

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

WILLIAM D. CARROLL,

Plaintiff,

v.

STATE OF FLORIDA, *et al.*,

Defendants.

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Case: 1:16-cv-00837
Assigned To : Unassigned
Assign. Date : 5/11/2016
Description: Pro Se Gen. Civil

MEMORANDUM OPINION

This matter is before the Court on the plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. According to the plaintiff, he has been convicted twice of the same offense in the Circuit Court of the Tenth Judicial Circuit in Polk County, Florida, in violation of rights protected under the Fifth Amendment to the United States Constitution. Among other relief, the plaintiff demands monetary damages.

The Supreme Court instructs:

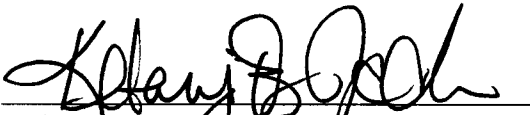
[I]n order to recover damages for allegedly unconstitutional conviction or imprisonment, or for other harm caused by actions whose unlawfulness would render a conviction or sentence invalid . . . plaintiff must prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus.

Heck v. Humphrey, 512 U.S. 477, 486-487 (1994). The plaintiff does not demonstrate that his conviction or sentence has been reversed or otherwise invalidated, and, therefore, his claim for damages fails. *See, e.g., Johnson v. Williams*, 699 F. Supp. 2d 159, 171 (D.D.C. 2010), *aff'd sub nom. Johnson v. Fenty*, No. 10-5105, 2010 WL 4340344 (D.C. Cir. Oct. 1, 2010).

The Court will dismiss the complaint for failure to state a claim upon which relief can be granted. *See* 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1). An Order is issued separately.

DATE:

May 9, 2016



United States District Judge