

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

APR 12 2018

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

Keith Arrick, Sr.,

Plaintiff,

United States of America,

Defendant.

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Civil Action No. 18-450 (UNA)

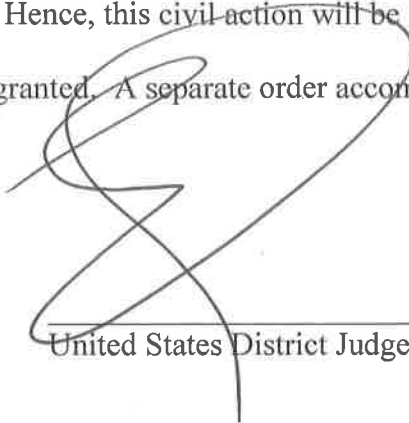
MEMORANDUM OPINION

Plaintiff is a prisoner incarcerated at the Federal Correctional Institution in Bruceton Mills, West Virginia. He has filed an application to proceed *in forma pauperis* and a document, construed as a complaint, captioned: “Pursuant [to] the Freedom of Information Act and as Result in Reply from the Executive Office for the United States Attorneys Petitioner Challenges as ‘Unconstitutional’ the Presentment of What the Executive Office States is an ‘Indictment.’ ” For the reasons explained below, the *in forma pauperis* application will be granted and this case will be dismissed pursuant to 28 U.S.C. § 1915A, which requires immediate dismissal of a prisoner’s complaint that fails to state a claim upon which relief can be granted.

“A complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Although plaintiff has mentioned the FOIA, he has not alleged any facts suggesting that he requested records from a federal agency and was denied such records. Instead, plaintiff complains cryptically about a criminal indictment and concludes that the “so-called indictment . . . must be dismissed by this honorable court[.]” Compl. at 3. Plaintiff further states that he and his co-defendant “have in fact been unlawfully convicted . . .

and must be set free.” *Id.* Such is the province of a direct appeal or habeas corpus in plaintiff’s sentencing court. *See* 28 U.S.C. §§ 2254, 2255. Hence, this civil action will be dismissed for failure to state a claim upon which relief can be granted. A separate order accompanies this Memorandum Opinion.

Date: April 11, 2018



United States District Judge