

6/12/2020

Clerk, U.S. District & Bankruptcy
Court for the District of ColumbiaUNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DAMIAN ANTONIO MURPHY,

Plaintiff,

BRIAN SNEDECKER *et al.*,

Defendants.

Civil Action No. 19-3840 (UNA)

MEMORANDUM OPINION

Plaintiff, appearing *pro se*, is a federal prisoner currently incarcerated at the United States Penitentiary in Lewisburg, Pennsylvania. He has filed an application to proceed *in forma pauperis*, ECF No. 2, and a Complaint for a Civil Case, ECF No. 1. 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.

Plaintiff alleges that his conviction in the Western District of Virginia, *see United States v. Murphy*, No. 1:06-cr-00062, 2011 WL 181938, at *1 (W.D. Va. Jan. 20, 2011) (denying relief under 28 U.S.C. § 2255), was the result of a "civil conspiracy." Compl. Form Sec. III; *see also* Compl. Attachment (labeled "Civil Conspiracy"). The named defendants are individuals, including judicial officers, who appear to have participated in the criminal proceedings. *See* Compl. Form Sec. I (Parties). Plaintiff seeks millions of dollars in damages. *Id.*, Sec. IV.

If plaintiff were to succeed on his conspiracy claim, his conviction could not stand. Therefore, plaintiff's claim is "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) (per curiam) (citing *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994)). And *Heck*’s favorable termination requirement 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.” *Id.* (quoting *Wilkinson v. Dotson*, 544 U.S. 74, 81-82 (2005) (internal quotation marks and other alterations omitted)). As indicated above, plaintiff has had no success in vacating his conviction under § 2255, and nothing in the complaint suggests that he has had his conviction invalidated under any other authority. Hence, this case will be dismissed. A separate order accompanies this Memorandum Opinion.

SIGNED: EMMET G. SULLIVAN
UNITED STATES DISTRICT JUDGE

DATE: June 12, 2020