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JESSE R. REDMOND, JR.,)	
)	
	Plaintiff,)	
)	
	v.)	Civil Action No. 23-0042 (UNA)
)	
UNITED STATES OF AMERICA,)	
)	
	Defendant.)	
)	

This matter is before the Court on initial review of plaintiff's application to proceed *in forma pauperis*, ECF No. 2, his *pro se* complaint, ECF No. 1, and motion for appointment of counsel, ECF No. 3. The Court grants plaintiff *in forma pauperis* status, denies the motion for appointment of counsel and, for the reasons discussed below, dismisses the complaint.

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). Here, plaintiff does not demonstrate that his conviction or sentence has been reversed or otherwise invalidated, and, therefore, his claim for damages fails. *See West v. Huvelle*, No. 18-CV-2443, 2019 WL 6498818, at *6 n.1 (D.D.C. Dec. 3, 2019) (concluding that, because guilty plea on which criminal conviction and sentence were based had not been declared invalid, plaintiff fails to state claim for damages under FTCA); *Hall v. Admin. Office of U.S. Courts*, 496 F. Supp. 2d 203, 208 (D.D.C. 2007) ("Absent a showing that plaintiff's conviction or sentence has been overturned or declared invalid, then, he cannot recover damages under the FTCA."); *see also Parris v. United States*, 45 F.3d 383, 385 (10th Cir.) (reasoning that "[t]he FTCA like [42 U.S.C.] § 1983, creates liability for certain torts committed by government officials. As such, we conclude the same common law principles that informed the Supreme Court's decision in *Heck* should inform the decision of whether an action under the FTCA is cognizable when it calls into question the validity of a prior conviction."), *cert. denied*, 514 U.S. 1120 (1995).

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: January 12, 2023

/s/
CHRISTOPHER R. COOPER
United States District Judge