

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

WALTER LEE HARRIS,

Plaintiff,

v.

CYNTHIA BAZILIUS, et al.,

Defendants.

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CASE NO. 1:16 CV 2346

JUDGE CHRISTOPHER A. BOYKO

MEMORANDUM OF OPINION
AND ORDER

On September 22, 2016, Plaintiff *pro se* Walter Lee Harris, an inmate at the Cuyahoga County Jail, filed this civil rights action against Cleveland Police Detective Cynthia Bazilius, Sheriff Clifford Pinkney, and “State Attorney” Jeffrey S. Shnatter. Plaintiff alleges in the Complaint that he was subjected to an unlawful search and arrest, that his bond was revoked based on unknown warrant, and that his pending retrial violates his speedy trial rights and subjects him to double jeopardy. He asserts his current detention is therefore unlawful. For the reasons stated below, this action is dismissed.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; *Siller v. Dean*, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

The Supreme Court has held that, when a prisoner challenges "the very fact or duration of his physical imprisonment, ... his sole federal remedy is a writ of habeas corpus." *Preiser v.*

Rodriguez, 411 U.S. 475, 501 (1973). Further, absent allegations that criminal proceedings terminated in Plaintiff's favor or that a conviction stemming from the asserted violation of his rights was reversed, expunged by executive order, declared invalid by a state tribunal, or called into question by a federal court's issuance of a writ of habeas corpus, he may not recover damages for his claim. *Heck v. Humphrey*, 512 U.S. 477, 487 (1994).

Accordingly, this action is dismissed under section 1915A. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

s/ Christopher A. Boyko
CHRISTOPHER A. BOYKO
UNITED STATES DISTRICT JUDGE

DATED: October 4, 2016