

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

KALEB LEE BASEY ,

Plaintiff,

vs.

KIRSTEN HANSEN, *et al.*,

Defendants.

Case No. 4:16-cv-00004-RRB

ORDER OF DISMISSAL

On January 15, 2016, Kaleb Lee Basey, representing himself, filed a Prisoner’s Civil Rights Complaint under 42 U.S.C. § 1983 alleging false arrest and illegal search and seizure.¹ This matter was stayed pending the outcome of *United States v. Kaleb L. Basey*, Case No. 4:14-cr-00028 RRB (the “criminal case”).² Although Judgment was entered on June 4, 2018, the criminal case has remained active.

On October 6, 2021, this Court ordered Mr. Basey to show cause why this matter should not be dismissed.³ Mr. Basey has responded, conceding that this case should have been dismissed following the guilty verdict in the criminal case.⁴ He correctly notes

¹ Docket 1. Mr. Basey seeks \$10 million each in compensatory and punitive damages, costs, a letter of apology, and injunctive relief in the form of destruction of any evidence obtained from the “unlawful searches” of his email accounts.

² Dockets 6, 10, 14.

³ Docket 15.

⁴ Docket 17 at 4.

that this case must be dismissed *without prejudice* under *Heck v. Humphrey*,⁵ effective the date of the guilty verdict.⁶ Mr. Basey acknowledges that he will not be able to pursue these claims unless and until his conviction is invalidated.⁷

In light of the foregoing, this matter is DISMISSED WITHOUT PREJUDICE, *nunc pro tunc* December 12, 2017.

IT IS SO ORDERED this 17th day of November, 2021, at Anchorage, Alaska.

/s/ Ralph R. Beistline
RALPH R. BEISTLINE
Senior United States District Judge

⁵ 512 U.S. 477, 486–87 (1994) (Holding that “in 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, a § 1983 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.”).

⁶ Docket 17 at 4–5.

⁷ *Id.* at 3.