

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
NORTHERN DIVISION**

KEVIN JAMES SULLIVAN

PLAINTIFF

v.

CASE NO. 3:22-CV-00217-BSM

JIMMY D BRUCE JR, *et al.*

DEFENDANTS

ORDER

Sullivan's motions for copies and to reopen [Doc. Nos. 16, 18] are granted; however, his claims are dismissed without prejudice. Sullivan's claims are barred because his state conviction, *see State v. Sullivan*, 28CR-22-498 (Green County Circuit Court) (Sentencing Order Oct. 3, 2022), has not been reversed, expunged, or declared invalid, and success in this lawsuit would imply that his conviction is invalid. *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994); *Newmy v. Johnson*, 758 F.3d 1008, 1011-12 (8th Cir. 2014). It is recommended that this dismissal count as a "strike" for the purposes of 28 U.S.C. section 1915(g), and an *in forma pauperis* appeal would not be taken in good faith. The clerk is directed to send Sullivan a copy of the docket sheet along with this order and the accompanying judgment.

IT IS SO ORDERED this 17th day of November, 2022.


UNITED STATES DISTRICT JUDGE