

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION

JEFFERY L. FOODS, JR.  
ADC #153919

PLAINTIFF

v.

No. 5:15-cv-235-DPM

CANDANCE TYSON, Parole Officer,  
Department of Community Correction; and  
KANDY POOLE, Parole Supervisor,  
Department of Community Correction

DEFENDANTS

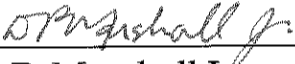
ORDER

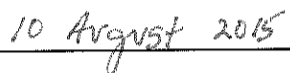
Foods brings this action alleging that Tyson, his parole officer, violated his constitutional rights when she prepared an inaccurate violation report that led to Foods's parole being revoked. *No 2 at 4–6*. Foods says he wrote to Poole, Tyson's supervisor, but received no help. *Id. at 7*. Money damages are Foods's only requested relief. *Id. at 5*.

The Court must screen Foods's complaint. 28 U.S.C. § 1915A(a). Foods hasn't stated a claim against Poole. He alleges only that he received no help after writing to inform Poole of his situation. *No 2 at 7*. Because Foods makes no plausible claim of misconduct by Poole, his complaint against her will be dismissed without prejudice for failure to state a claim.

Foots's claim against Tyson fares no better. A § 1983 suit for damages that, if successful, would imply the invalidity of a prisoner's sentence must be dismissed unless the plaintiff can show that the conviction or sentence has already been invalidated. *Heck v. Humphrey*, 512 U.S. 477, 486-487 (1994). Foots's allegations against Tyson, if true, would necessarily imply that his parole revocation was invalid. Further, Foots hasn't shown that his sentence has been invalidated. His complaint against Tyson will therefore be dismissed without prejudice because it is *Heck*-barred. If Foots wants to challenge his continued detention, he must do so in a petition for writ of habeas corpus under 28 U.S.C. § 2254.

So Ordered.

  
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D. P. Marshall Jr.  
United States District Judge

  
\_\_\_\_\_  
10 August 2015