

**FILED**

MAY - 4 2009

NANCY MAYER WHITTINGTON, CLERK  
U.S. DISTRICT COURT

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

JOHN STANFORD, )  
)  
Plaintiff, )  
)  
v. )  
)  
STEVE HUMMEL, )  
)  
Defendants. )

Civil Action No. **09 0814**

**MEMORANDUM OPINION**

This matter is before the Court upon consideration of Plaintiff's application to proceed *in forma pauperis* and his *pro se* complaint. The application will be granted, and the complaint will be dismissed.

Plaintiff, who is awaiting a new trial on drug charges, alleges that defendant, a Special Agent of the Drug Enforcement Administration, provided "fabricated and misleading" testimony before a grand jury. Compl. at 2 (page numbers designated by the Court). He requests "some type of compensation as to the length of time" he has been held in custody as a result of defendant's "delibrate [sic] attempt . . . to get [him] sent to prison for being what [defendant] calls a drug lieutenant." *Id.* at 5. Placing "a dollar amount" on his claim, plaintiff "would say 200,000 dollars plus any attorney fees." *Id.*

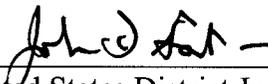
Plaintiff's claim for damages in this civil rights action challenging the fact or duration of confinement must fail. Plaintiff must first establish that his confinement has been invalidated by "revers[al] on direct appeal, expunge[ment] by executive order, declar[ation of invalidity] by a state tribunal authorized to make such determination, or . . . a federal court's issuance of a writ of

121

habeas corpus.” *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994); accord *White v. Bowie*, 194 F.3d 175 (D.C. Cir. 1999) (table). Plaintiff has not satisfied the prerequisite and therefore fails to state a claim.

The Court will dismiss the complaint without prejudice. An Order consistent with this Memorandum Opinion will be issued separately on this same date.

DATE: April 20, 2009

  
\_\_\_\_\_  
United States District Judge