

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

FILED DEC 3 2009 NANCY MAYER WHITTINGTON, CLERK U.S. DISTRICT COURT

ARON DEREL HOOD, Plaintiff, v. JOHN ADAMS, WARDEN, Defendant. Civil Action No. 09-2001

MEMORANDUM OPINION

This matter is before the Court on plaintiff's application to proceed in forma pauperis and pro se complaint. The application will be granted, and the complaint will be dismissed.

Plaintiff brings this action under 42 U.S.C. § 1983, and alleges that defendant has incarcerated him in violation of his constitutional rights. Compl. at 1, 5. In addition to demanding reversal of his criminal conviction, he demands monetary damages. Id. at 5.

Because plaintiff's claim goes to the fact of his confinement, he cannot recover damages in this civil rights action under 42 U.S.C. § 1983 without showing 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 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 this prerequisite and therefore fails to state a claim upon which relief can granted. An Order consistent with this Memorandum Opinion will be issued separately on this date.

Signature of Ricardo M. Urbina, United States District Judge

DATE: 11/18/09

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