

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED
NOV - 1 2011
Clerk, U.S. District & Bankruptcy
Courts for the District of Columbia

MILTON J. TAYLOR,

Plaintiff,

v.

ISAAC FULWOOD, *et al.*,

Defendants.

Civil Action No. **11 1911**

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.

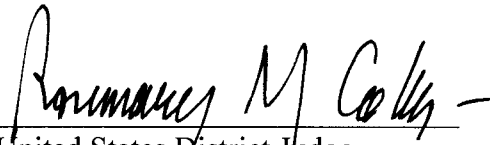
Plaintiff finds himself in custody upon the execution of a parole violator warrant on July 2, 2011. According to plaintiff, neither the United States Parole Commission, its Commissioners, nor any individual in any way associated with the warrant, the revocation hearing, or his detention at the D.C. Jail, had the authority to effect his imprisonment. For the defendants’ alleged violations of rights protected under the First, Fourth, Fifth, Six, Seventh, Eighth and Fourteenth Amendments to the United States Constitution, plaintiff demands damages of \$33 million.

Because plaintiff’s claims go to the fact of his incarceration, he cannot recover damages in this civil rights action 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.

This action will be dismissed under 28 U.S.C. §§ 1915(e)(2)(B)(ii) and 1915A(b)(1) because the complaint fails to state a claim upon which relief can granted. An Order is issued separately.

DATE: 10/18/11


United States District Judge