

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Richard Earl Moses, Jr.,)
)
 Plaintiff,)
)
 v.)
)
 United States of America *et al.*,)
)
 Defendants.)

Civil Action No. 13-0072 (UNA)

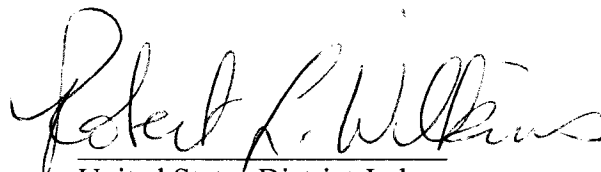
MEMORANDUM OPINION

This matter is before the Court on review of the plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The application will be granted and the complaint will be dismissed pursuant to 28 U.S.C. § 1915A (requiring dismissal of a prisoner's complaint upon a determination that the complaint fails to state a claim upon which relief can be granted).

The plaintiff is a prisoner at the Federal Correctional Institution in Ray Brook, New York. He sues the United States of America, the Department of Justice, the Drug Enforcement Administration, and the Bureau of Alcohol, Tobacco, Firearms and Explosives for false arrest, false imprisonment, and "substantial rights violations," stemming from his conviction. Compl. at 1. Plaintiff claims that he has suffered "commercial injury" from his 25-year prison sentence obtained "by fraudulent [sic] means" and demands \$125 million in damages. *Id.* at 2.

Since the success of plaintiff's challenge to his conviction and sentence based on the asserted grounds would necessarily void his conviction, plaintiff cannot recover monetary damages in a civil action without first showing that he has invalidated the conviction 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). Plaintiff has made no such showing. Hence, this case will be dismissed. A separate order accompanies this Memorandum Opinion.


United States District Judge

Date: March 13, 2013