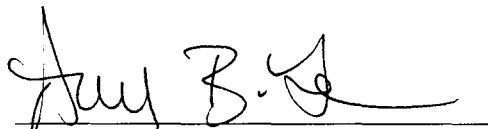


hundred thousand dollars) per day for each day he has been incarcerated since August 26, 2008, more or less \$584.0 million per year, more or less \$2.5 billion.” Compl. at 5.

Because the success of the plaintiff’s claims necessarily would void his conviction, the plaintiff cannot recover monetary damages without first showing that the convictions have been invalidated either by “revers[al] on direct appeal, expunge[ment] by executive order, . . . or . . . a federal court’s issuance of a writ of habeas corpus.” *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). The plaintiff’s criminal convictions have been affirmed on direct appeal, *see Klaudt*, 772 N.W. 2d. at 118, and his petition for a writ of habeas corpus has been denied, *see Klaudt v. Dooley*, No. 10-4091, 2010 WL 5391571 (D.S.D. Dec. 22, 2010). The plaintiff has not shown that his convictions have been invalidated, and, therefore, he fails to state a claim upon which relief can be granted. Accordingly, the court will dismiss the complaint. *See* 28 U.S.C. §§ 1915(e)(2)(B)(ii), 1915A(b)(1). An Order accompanies this Memorandum Opinion.


United States District Judge

DATE: 5/31/13