under which defendant was convicted and sentenced is properly pursued by motion under 28 U.S.C. § 2255); *Pradelski v. Hawk-Sawyer*, 36 F. Supp. 3d 1, 2 (D.D.C. 1999) (concluding that challenge to trial court's subject matter jurisdiction proceeds under § 2255). Section 2255 provides specifically that:

> [a] prisoner in custody under sentence of a court established by Act of Congress claiming the right to be released upon the ground that the sentence was imposed in violation of the Constitution or laws of the United States, or that the court was without jurisdiction to impose such sentence, or that the sentence was in excess of the maximum authorized by law, or is otherwise subject to collateral attack, may move the court which imposed the sentence to vacate, set aside or correct the sentence.

28 U.S.C. § 2255(a) (emphasis added). And because plaintiff's claims pertain to the fact of his incarceration, he cannot recover damages in this civil rights action without showing that his confinement already 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). Furthermore, none of the named defendants is amenable to suit under 42 U.S.C. § 1983. *See Mirales v. Waco*, 502 U.S. 9, 11 (1991) (per curiam) (noting that "judicial immunity is an immunity from suit, not just from ultimate assessment of damages," and that it "is not overcome by allegations of bad faith or malice"); *Imbler v. Pachtman*, 424 U.S. 409, 427 (1976) (finding that prosecutor enjoys absolute immunity under § 1983); *McCord v. Bailey*, 636 F. 2d 606, 613 (D.C. Cir. 1980) (finding that defense counsel is not a "state actor" for purposes of § 1983).

The Court will dismiss the complaint for lack of jurisdiction. An Order accompanies this Memorandum Opinion.

United States District Judge

DATE: 11/18/2014