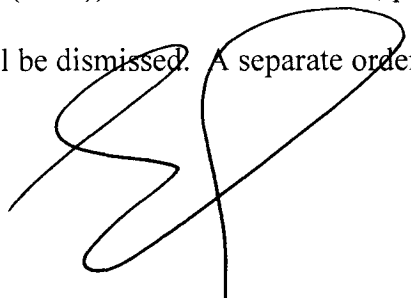




plaintiff's cell site location information (CSLI) from Nextel Communications Inc. without a warrant or court order signed by judge or magistrate," in violation of 18 U.S.C. § 2703. Compl. at 2. Plaintiff alleges further that defendant used the information "to justify plaintiff's arrest, and as the sole evidence to suggest plaintiff was at the crime scene at the relevant time." *Id.* at 6. "As a result of defendant's willful violation," plaintiff contends, he "has suffered loss of liberty, emotional distress and destruction of reputation. *Id.* at 7. Plaintiff seeks "damages in the amount of \$1,500,000 and \$3,000,000 in punitive damages." *Id.*

If plaintiff were to succeed on the claim as pleaded, his conviction could not stand. As a result, this action is "not cognizable unless and until [plaintiff] meets the requirements of *Heck*" by having the conviction invalidated via direct appeal or habeas corpus, or declared void by an authorized tribunal. *Harris v. Fulwood*, 611 Fed. App'x. 1, 2 (D.C. Cir. 2015) (per curiam) (citing *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994)). As indicated above, plaintiff has had no such success to date. Therefore, this case will be dismissed. A separate order accompanies this Memorandum Opinion.



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United States District Judge

Date: April 24, 2018