



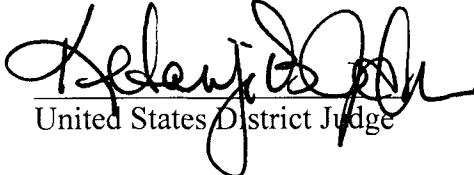
and sentenced in the United States District Court for the Eastern District of Arkansas. *See USA v. Allen*, No. 4:14-cr-00057-KGB-1 (E.D. AK Nov. 19, 2014) at [ECF No. 95]. Therefore, as far as this is a collateral attack on plaintiff's conviction or sentencing, such relief must be sought with the Eastern District of Arkansas.

To the extent that plaintiff is seeking damages arising out of alleged constitutional violation(s), *Heck v. Humphrey*, 512 U.S. 477 (1994), bars relief. In *Heck*, the Supreme Court held that one who has been convicted of a crime may not ordinarily recover damages pursuant to 42 U.S.C. § 1983 for "harm caused by actions whose unlawfulness would render [his] conviction or sentence invalid." *Id.* at 486. The only qualification to this otherwise broad prohibition is if a plaintiff can "prove that the conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus, 28 U.S.C. § 2254." *Id.* at 486–87. The parameters of *Heck* have been expanded to reach § 1983's federal equivalent, the "Bivens claim." *See generally Bivens*, 403 U.S. at 388; *see also Williams v. Hill*, 74 F.3d 1339, 1340–41 (D.C. Cir. 1996) (per curiam).

If judgment were to be granted in plaintiff's favor in this case, it "would necessarily imply the invalidity of his conviction." *Heck*, 512 U.S. at 487. Therefore, because plaintiff was found guilty and because the verdicts have not been set aside, plaintiff cannot recover damages for the actions of those who allegedly brought about his conviction. *See Williams*, 74 F.3d at 1341. Therefore, dismissal is appropriate pursuant to 28 U.S.C. § 1915(e)(2)(B)(i).

Accordingly, this case is dismissed. A separate Order accompanies this Memorandum Opinion.

Date: October 16, 2018

  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

MARCUS ALLEN, )  
 )  
 Plaintiff, )  
 ) Civil Action No. 1:18-cv-002054 (UNA)  
 )  
 RYAN BECKER, *et al.*, )  
 )  
 Defendants. )

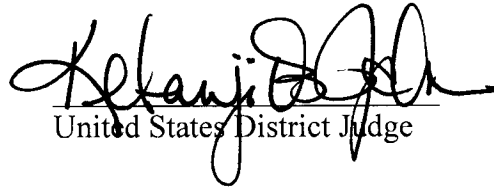
**ORDER**

For the reasons stated in the accompanying Memorandum Opinion, it is

**ORDERED** that plaintiff's application to proceed *in forma pauperis* [2] is **GRANTED**,  
and it is further

**ORDERED** that the complaint [1] and this case are **DISMISSED** without prejudice.

This is a final appealable Order.

  
United States District Judge

Date: October 16, 2018