

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

MARTAZZ WILLIAMS,)
)
 Plaintiff,)
)
vs.) 2:12-cv-110-JMS-MJD
)
GREGORY D. SERVER, et al.,)
)
 Defendants.)

Entry and Order Directing Dismissal of Action

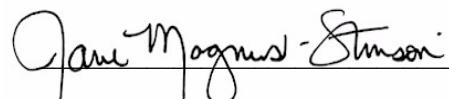
Plaintiff Martazz D. Williams is an inmate at the Putnamville Correctional Facility. Williams alleges that the defendants, members of the Indiana Parole Board, denied him due process and as a result he has been wrongfully incarcerated on a parole hold since November 18, 2010. He seeks money damages for his alleged illegal confinement.

Williams could not prevail in this action without achieving a judicial declaration that his continued custody is unlawful. Habeas is the exclusive remedy available to federal prisoners whose claims would have at least a “probabilistic impact” upon the duration of their custody. *See Heck v. Humphrey*, 512 U.S. 477, 487 (1994) (42 U.S.C. § 1983 claim is not cognizable when “a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence . . . unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated.”); *Bourke v. Hawk-Sawyer*, 269 F.3d 1072, 1074 (D.C.Cir. 2001). In addition, Williams’ civil rights complaint cannot be converted by judicial fiat into an action for a writ of habeas corpus. *Moore v. Pemberton*, 110 F.3d 22 (7th Cir. 1997); *Copus v. City of Edgerton*, 96 F.3d 1038 (7th Cir. 1996).

A party may plead himself out of court by pleading facts that show he has no legal claim. *Atkins v. City of Chicago*, 631 F.3d 823, 832 (7th Cir. 2011). For the reasons explained above, that is the case here. Accordingly, this action must be dismissed pursuant to 28 U.S.C. § 1915A(b), and judgment consistent with this Entry shall now issue. The dismissal shall be without prejudice.

IT IS SO ORDERED.

Date: 11/06/2012



Hon. Jane Magnus-Stinson,
United States District Court
Southern District of Indiana

Distribution:

MARTAZZ WILLIAMS
160139
PUTNAMVILLE CORRECTIONAL FACILITY
Inmate Mail/Parcels
1946 West U.S. Hwy 40
Greencastle, IN 46135