

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

KELVIN J. MILES,

*

Plaintiff,

*

v.

*

Civil Action No. PX-23-3221

FRANK HALL,

Maryland Secretary of Public Safety, et al.

*

Defendants.

*

MEMORANDUM OPINION

Plaintiff, Kelvin J. Miles, has sued Maryland Secretary of Public Safety, Frank Hall, the Maryland Parole Commission, and Commissioner of Corrections, Richard L. Lonhom, Sr. for wrongful imprisonment. ECF No. 1. Miles was directed to file an Amended Complaint which the Court now reviews. ECF Nos. 5, 6.

The Amended Complaint seeks damages allegedly arising from Miles' previous Maryland criminal convictions dating back to 1979 and 1980. *See generally*, ECF No. 6. As of June 2009, Miles had filed approximately twenty six unsuccessful federal habeas corpus petitions pertaining to these same convictions. *See Miles v. Ivory*, PJM-09-1606, ECF No. 2 at 1 n.1. Miles has also previously been advised that he was precluded from seeking damages as to those matters because he could not demonstrate that the criminal convictions had been vacated or overturned. *Id.* (citing *Heck v. Humphrey*, 512 U. S. 477, 486-87 (1994)). Miles filed another unsuccessful federal habeas petition challenging these same convictions in 2021. *See Miles v. Khallis*, CCB-21-0253. Last, in July 2023, Miles was again advised that he could not challenge the legality of prior criminal convictions in a civil action for damages where a favorable judgment would imply the invalidity of that conviction. *See Miles v. U.S. Attorney General*, PX-23-0434, ECF No. 1 (citing *Heck*, 512

U.S. at 486-87; *Owens v. Baltimore City State's Attorney's Office*, 767 F.3d 379, 391 (4th Cir. 2014)).

As repeatedly advised, Miles claims for damages may not proceed because they pertain to the same Maryland criminal convictions that he has failed to vacate or overturn. The Amended Complaint will be dismissed without prejudice.

A separate Order follows.

3/7/25

/S/

Date

Paula Xinis
United States District Judge