

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KELLY ANTHONY WILLIAMS

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Plaintiff

*

v.

*

Civil Action No. PWG-17-1913

ANNE ARUNDEL CO. POLICE DEPT.,
ROBIN RICKARD,
CPL. HENRY AFFELDT, and
JOHN HAMMANN

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Defendants

MEMORANDUM OPINION

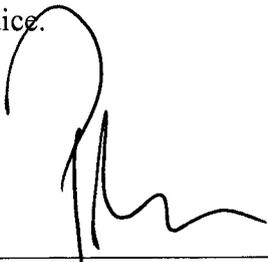
Kelly Williams filed this civil rights action on July 10, 2017, along with a Motion to Proceed in Forma Pauperis, ECF No. 2, which shall be granted.

Plaintiff, an inmate at Maryland Correctional Institution Hagerstown, seeks \$3 million to \$6 million in damages from each Defendant, all of whom participated in his criminal case. Williams was convicted of possession with intent to distribute a controlled dangerous substance and firearms possession in the Circuit Court for Anne Arundel County, Maryland. *See State v. Kelly Anthony Williams*, Case No. 111001315585 (Anne Arundel Co. Cir. Ct.), at <http://casesearch.courts.state.md.us/inquiry>. Williams now alleges that his constitutional rights were violated because his attorney, John Hammann, stipulated to a firearms test that Williams later discovered was never performed. ECF No. 1. He claims this violated his constitutional rights.

The complaint must be dismissed without prejudice because Williams has not yet successfully challenged his conviction and it remains valid. In *Heck v. Humphrey*, 512 U. S. 477, 487 (1994), the Supreme Court held that claims challenging the legality of a conviction are

not cognizable in a 42 U.S.C. § 1983 action unless and until the conviction is reversed, expunged, invalidated, or impugned, and complaints containing such claims must therefore be dismissed without prejudice. *See also Edwards v. Balisok*, 520 U.S. 641, 645 (1997) (*Heck* precludes claims that necessarily imply the invalidity of the judgment). Litigation of Plaintiff's claim in this Court would require consideration of matters that, if established as true, would imply the underlying criminal conviction is not valid. Thus, by separate Order which follows, the complaint shall be dismissed without prejudice.

8/7/17
Date



Paul W. Grimm
United States District Judge