

UNITED STATES DISTRICT COURT  
 DISTRICT OF MASSACHUSETTS

_____	)	
ROBERT STAFFORD,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	NO. 14-14399-WGY
DIANE L. HOWERY,	)	
	)	
Defendant.	)	
_____	)	

ORDER

YOUNG, D.J.

November 30, 2015

For the reasons set forth below, the Court orders that this action be DISMISSED.

State inmate Robert Stafford filed a complaint in which he claimed that his civil rights had been violated in conjunction with a prosecution against him. He was convicted and he did not allege that the validity of his conviction had been called into question. He sought immediate release and monetary damages.

In a memorandum and order dated September 25, 2015 (#5), the Court granted the plaintiff's motion for leave to proceed in forma pauperis and directed him to show cause why this action should not be dismissed for failure to state a claim upon which relief could be granted. The Court explained that challenges to the validity of confinement had to be presented in a petition for a writ of habeas corpus and that the "favorable termination" rule of Heck v. Humphrey, 512 U.S. 477 (1994), precluded any claims for money damages. The Court warned the plaintiff that failure to comply with the show cause order within 42 days would

result in dismissal of the action.

The time for complying with the Court's show cause order has expired without any response from the plaintiff.

Accordingly, for the reasons set forth in the Court's September 25, 2015 memorandum and order, the Court orders that this action be DISMISSED pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

SO ORDERED.

/s/ William G. Young  
WILLIAM G. YOUNG  
UNITED STATES DISTRICT JUDGE