Parks v. Johnson et al

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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

* * *

EDWARD F. PARKS.

Plaintiff,

v.

CHRISTY D. JOHNSON, et al.,

Defendants.

Case No. 2:16-cv-00953-APG-PAL

ORDER DENYING MOTIONS FOR RECONSIDERATION, TO SHOW UNLAWFUL INCARCERATION, AND FOR RELIEF

(ECF Nos. 17, 18, 19)

I previously dismissed plaintiff Edward F. Parks' claims for a variety of reasons. ECF No. 15. Most notably, under the rule announced in *Heck v. Humphrey*, if a judgment in the plaintiff's favor in a § 1983 case "would necessarily imply the invalidity of his conviction or sentence . . . the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated." 512 U.S. 477, 487 (1994). Thus, I dismissed Parks' claims without prejudice to refiling them should his criminal conviction later be invalidated because he clearly was attempting to challenge his conviction and sentence through this lawsuit.

Parks moves for reconsideration (ECF No. 17), stating he was coerced into a signing his plea deal and he refers to *Brady v. Maryland*, 373 U.S. 83 (1963). However, as I explained in my prior order, Parks cannot pursue a § 1983 lawsuit that challenges the validity of his prior conviction or sentence without demonstrating the conviction or sentence has already been invalidated. He has not done so. I therefore deny his motion for reconsideration.

Parks next filed a motion to show unlawful incarceration (ECF No. 18), in which he also challenges the validity of his prior conviction and sentence and claims he is actually innocent. For the same reasons, I deny this motion.

Finally, Parks filed a motion (ECF No. 19) stating he has little access to the courts and stating that his case is twelve years old, resulting in significant hardship to him and his wife. It is unclear what relief Parks seeks from this motion, but as stated previously, Parks cannot pursue a

§ 1983 claim on the basis that his criminal conviction and sentence are invalid without first establishing that his conviction or sentence has already been invalidated, and he has not done so. I therefore deny this motion as well. Additionally, I note that Parks has included private personal data in this filing, such as social security numbers. I will direct the clerk of court to seal this document. IT IS THEREFORE ORDERED that plaintiff Edward Parks' motion for reconsideration (ECF No. 17) is DENIED. IT IS FURTHER ORDERED that plaintiff Edward Parks' motion to show unlawful incarceration (ECF No. 18) is DENIED. IT IS FURTHER ORDERED that plaintiff Edward Parks' motion for relief (ECF No. 19) is DENIED. IT IS FURTHER ORDERED that the clerk of court shall seal ECF No. 19 because it contains personal identifiers, including social security numbers. DATED this 1st day of June, 2017. AÑDREW P. GORDON UNITED STATES DISTRICT JUDGE