

512 U.S. 477, 487 (1973). When judgment for a plaintiff in a § 1983 suit “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.” *Id.* Because plaintiff has not presented evidence that his conviction has been so invalidated, the court finds his claim for damages is not cognizable under § 1983. Therefore, this action hereby is dismissed pursuant to 28 U.S.C. § 1915A(b) for failure to state a claim upon which relief may be granted.

ACCORDINGLY, this action is **DISMISSED WITHOUT PREJUDICE** pursuant to 28 U.S.C. § 1915A(b), for failure to state a claim.

IT IS SO ORDERED this 2nd day of July 2014.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE