

- Therefore [I am] seeking financial compensation

Despite the vagueness of this complaint, there is no set of facts under which plaintiff could prevail against the United States. Plaintiff's claim appears to be based on a prior state court conviction.³ Although damages sometimes are recoverable against federal agents, Bivens v. Six Unknown Federal Narcotics Agents, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971), there is no monetary remedy against the United States or its agencies for constitutional violations, FDIC v. Meyer, 510 U.S. 471, 483-86, 114 S.Ct. 996, 1004-06, 127 L.Ed.2d 308 (1994).⁴

In addition, the government maintains that (1) the failure to allege that the prior conviction was invalidated or set aside is fatal to this action and (2) the requirements of Rule 8 have not been met. Fed R. Civ. P. 8(a) (requiring "a short and plain statement of the claim showing that the pleader is entitled to relief"). Under Heck v. Humphrey, 512 U.S. 477, 486-87, 114 S.Ct. 2364, 2372, 129 L.Ed.2d 383 (1994):

in order to recover damages for allegedly unconstitutional conviction or imprisonment, a § 1983 plaintiff must prove that the conviction or sentence has been reversed on

³At the November 12, 1998 hearing, plaintiff stated that he had been convicted in a Pennsylvania court of making terroristic threats.

⁴Similarly, if the complaint were construed as a habeas petition, it would be dismissed because damages are not awardable in such actions. See Preiser v. Rodriguez, 411 U.S. 475, 494, 93 S.Ct. 1827, 1838, 36 L.Ed.2d 439 (1973) ("In the case of a damages claim, habeas corpus is not an appropriate or available federal remedy.").

direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus, 28 U.S.C. § 2254.⁵

Because this claim for damages cannot proceed against defendant, it is unnecessary to consider these other challenges.⁶

Edmund V. Ludwig, J.

⁵While Heck was a § 1983 action, it has been analogized by four Courts of Appeal to Bivens. See, e.g., Williams v. Hill, 74 F.3d 1339, 1340 (D.C. Cir. 1996) (per curiam).

⁶Given the relaxed pleading standard for pro se litigants, inartful pleading would not ordinarily be enough to dismiss an action.