

PETITION FOR A WRIT OF CERTIORARI

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ENTERED

May 21, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EMMANUEL A. ADEYINKA, a/k/a §
EMMANUEL ADEYINKA, §

Plaintiff, §

v. §

CIVIL ACTION No. H-18-1616

HARRIS COUNTY, *et al.*, §

Defendants. §

MEMORANDUM OPINION AND ORDER

Emmanuel A. Adeyinka, a/k/a Emanuel Adeyinka, a former state inmate, filed this *pro se* section 1983 lawsuit seeking \$11 billion in damages for alleged violations of his constitutional rights during his state criminal proceedings. Having considered the complaint, matters of record, and the applicable law, the Court **DISMISSES** this lawsuit as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994).

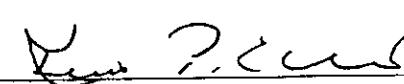
Plaintiff was convicted of retaliation and sentenced to two year's incarceration in the Texas Department of Criminal Justice. In this lawsuit, plaintiff complains that he was "forced" to sign a waiver of his rights "after convicted," and that he was not read his *Miranda* rights when he was arrested. He seeks \$11 billion in damages for false imprisonment, illegal arrest, and entrapment arising from his criminal prosecution.

A judgment in favor of plaintiff on his claims would necessarily imply the invalidity of his conviction. Plaintiff does not assert, nor is there any indication in the record, that the

conviction has “been reversed on 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.” *Heck v. Humphrey*, 512 U.S. 477, 486–87 (1994). Thus, his claims seeking monetary damages for false imprisonment, illegal arrest, and entrapment as to his state conviction are not cognizable under section 1983 and must be dismissed. *See id.* at 487.

This lawsuit is **DISMISSED WITH PREJUDICE** until such time as the conditions outlined in *Heck v. Humphrey*, 512 U.S. 477 (1994), are met. Any and all pending motions are **DENIED AS MOOT**.

SIGNED at Houston, Texas on the 18 day of May, 2018.


KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

ENTERED

May 30, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EMMANUEL A. ADEYINKA, a/k/a §
EMANUEL ADEYINKA, §
 §
 §

Plaintiff, §
 §
 §
 §

v. §
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 §

HARRIS COUNTY, *et al.*, §
 §
 §
 §

Defendants. §

CIVIL ACTION No. H-18-1616

ORDER

Plaintiff's motion for reconsideration (Docket Entry No. 9) is **DENIED** for the reasons set forth in the Court's dismissal order of May 18, 2018.

SIGNED at Houston, Texas on the 30th day of May, 2018.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

ENTERED

August 20, 2018

David J. Bradley, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

EMMANUEL ADEYINKE, a/k/a §
EMMANUEL ADEYINKA, §
§

Plaintiff, §

V.

HARRIS COUNTY, *et al.*,

Defendants.

Civil Action No. H-18-1616

ORDER

Plaintiff's second application to proceed *in forma pauperis* on civil appeal (Docket Entry No. 23) is **DENIED AS MOOT**. The Court denied plaintiff leave to proceed *in forma pauperis* on the merits on August 10, 2018 (Docket Entry No. 22), finding in the alternative that he showed current monthly income of \$1,724.00 and monthly expenses of \$395.00. The Court found that plaintiff was not a pauper and had adequate resources to pay the filing fee on appeal.

The USM-285 forms filed by plaintiff for service of process (Docket Entry No. 24) are **ORDERED STRICKEN FROM THE RECORD**. This case is closed and on appeal.

Signed at Houston, Texas, on this the 21st day of August, 2018.

Keith P. Ellison
KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 18-20605



A True Copy
Certified order issued Oct 24, 2018

Jyle W. Cayce
Clerk, U.S. Court of Appeals, Fifth Circuit

EMMANUEL ADEYINKA,

Plaintiff - Appellant

v.

HARRIS COUNTY; STATE OF TEXAS; B. SANDERSON, Police Officer,

Defendants - Appellees

Appeal from the United States District Court for the
Southern District of Texas

CLERK'S OFFICE:

Under 5TH CIR. R. 42.3, the appeal is dismissed as of October 24, 2018, for want of prosecution. The appellant failed to timely pay the filing/docketing fee and to file appellant's brief.

LYLE W. CAYCE
Clerk of the United States Court
of Appeals for the Fifth Circuit

Jann Wynne

By: _____
Jann M. Wynne, Deputy Clerk

ENTERED AT THE DIRECTION OF THE COURT