

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 15-5232

September Term, 2015

1:14-cv-01620-RC

Filed On: May 24, 2016

Charles Alexander Davis,

Appellant

v.

United States of America, et al.,

Appellees

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Tatel and Brown, Circuit Judges; Ginsburg, Senior Circuit Judge

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on appellant's brief. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court's order filed July 14, 2015, be affirmed. The district court lacked jurisdiction to declare appellant's conviction void and order his release from custody; the proper vehicle for challenging his convictions and sentence in federal court is an application for a writ of habeas corpus filed under 28 U.S.C. § 2254 in the district court having jurisdiction over his custodian. See Rumsfeld v. Padilla, 542 U.S. 426, 442 (2004). To the extent appellant seeks damages against the United States and the individual defendants in their capacities as federal officials, he has failed to establish an applicable waiver of sovereign immunity. See FDIC v. Meyer, 510 U.S. 471, 475 (1994) (the United States has not consented to be sued for damages based on constitutional violations); see also 28 U.S.C. § 2680(c) (exempting claims arising from the assessment or collection of taxes). Further, appellant's request for damages under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), and for injunctive relief would "necessarily imply, or automatically result in, a speedier release from prison," Anyanwutaku v. Moore, 151 F.3d 1053, 1056 (D.C. Cir. 1998). As such, these claims are not cognizable because appellant has not

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demonstrated that the judgment against him has been reversed, expunged, or otherwise declared invalid. See Heck v. Humphrey, 512 U.S. 477, 487 (1994).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Ken Meadows
Deputy Clerk