

**United States Court of Appeals**  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

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**No. 17-5159**

**September Term, 2017**

**1:17-cv-01111-UNA**

**Filed On: April 18, 2018**

Keith B. Webb-EI,

Appellant

v.

Thomas R. Kane, Director, U.S. Department  
of Justice Federal Bureau of Prisons, Central  
Office, et al.,

Appellees

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

**BEFORE:** Henderson and Katsas, Circuit Judges, and 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 the briefs filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, and the motion to appoint counsel, the motion for a temporary restraining order, and the motion to produce a superseding indictment, it is

**ORDERED** that the motion to appoint counsel be denied. In civil cases, appellants are not entitled to appointment of counsel when they have not demonstrated sufficient likelihood of success on the merits. It is

**FURTHER ORDERED** that the motion to produce a superseding indictment be denied. It is

**FURTHER ORDERED AND ADJUDGED** that the district court's June 9, 2017 order be affirmed. The district court correctly concluded that appellant's claim is barred

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by Heck v. Humphrey, 512 U.S. 477, 487 (1994) (When a criminal defendant seeks damages in a § 1983 suit, “the district court must consider whether a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence; if it would, the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated.”). See Williams v. Hill, 74 F.3d 1339, 1340-41 (D.C. Cir. 1996) (holding that Heck applies to actions for damages against federal officials). Appellant claims, in essence, that he is entitled to damages because his conviction and confinement violate his constitutional rights. If he were to succeed on those claims, it “would necessarily imply the invalidity of his conviction or sentence.” Heck, 512 U.S. at 487. He has not demonstrated that his “conviction or sentence has already been invalidated.” Id. It is

**FURTHER ORDERED** that the motion for a temporary restraining order be dismissed as moot.

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