

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 20-5274

September Term, 2020

1:20-cv-01502-UNA

Filed On: April 9, 2021

Adane Kebede,

Appellant

v.

United States,

Appellee

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

BEFORE: Rogers and Wilkins, Circuit Judges, and Sentelle, 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 notice of appeal and the brief and appendices filed by appellant, which the court construes as including a request for a certificate of appealability. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). Upon consideration of the foregoing, and the motions for appointment of counsel, it is

ORDERED that the motions for appointment of counsel be denied. The interests of justice do not warrant appointment of counsel in this case. See 18 U.S.C. § 3006A(a)(2)(B). It is

FURTHER ORDERED that the request for a certificate of appealability be denied and, to the extent the action raises habeas claims, the appeal be dismissed for lack of a certificate of appealability. Because appellant has not made “a substantial showing of the denial of a constitutional right,” 28 U.S.C. § 2253(c)(2), no certificate of appealability is warranted. See Slack v. McDaniel, 529 U.S. 473, 484 (2000). Appellant has not demonstrated that his remedy under D.C. Code § 23-110 is inadequate or ineffective to test the legality of his conviction. See D.C. Code § 23-110(g); Blair-Bey v. Quick, 151 F.3d 1036, 1042-43 (D.C. Cir. 1998). It is

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FURTHER ORDERED AND ADJUDGED that the district court's order filed June 12, 2020, be affirmed to the extent it denied appellant's claim for damages. Appellant has not shown that his conviction or sentence has been overturned, and thus he may not recover damages arising from his conviction or imprisonment. See Heck v. Humphrey, 512 U.S. 477, 486-87 (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Pursuant to D.C. Circuit Rule 36, this disposition will not be published.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/
Daniel J. Reidy
Deputy Clerk