

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE


DARRYL COTTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 25-720 (JLH)
	)	
DELAWARE DEPARTMENT OF	)	
JUSTICE, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

Plaintiff Darryl Cotton, housed at the Wheeler Correctional Facility in Alamo, Georgia, filed a *pro se* motion for writ of mandamus and motion to proceed *in forma pauperis*. (D.I. 1.) This case is subject to this Court's *sua sponte* review and dismissal upon a determination that the pleading is frivolous or malicious, fails to state a claim, or seeks monetary relief from defendants who are immune from such relief. *See* 28 U.S.C. § 1915A(b). For purposes of this Order, the Court accepts the facts alleged in Plaintiff's *pro se* pleading as true, draws all reasonable inferences in his favor, and asks only whether Plaintiff's filing, liberally construed, contains facts sufficient to state a plausible claim. *See Shorter v. United States*, 12 F.4th 366, 374 (3d Cir. 2021).

Upon review and consideration, the Court finds that Plaintiff's filing does not contain facts sufficient to state a plausible claim. (*See* D.I. 1.) Accordingly, Plaintiff's filing will be DISMISSED for failure to state a claim, pursuant to 28 U.S.C. § 1915A(b)(1). Dismissal is without prejudice to filing a petition for writ of habeas corpus, should Plaintiff seek to challenge his conviction or sentence. *See Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994) (holding that, where success in a § 1983 action would imply the invalidity of a conviction or sentence, a suit for

damages or equitable relief is barred unless plaintiff can demonstrate that his conviction or sentence has been invalidated). The Clerk of Court is directed to CLOSE this case.



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The Honorable Jennifer L. Hall  
United States District Judge