

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 20, 2026

Christopher M. Wolpert
Clerk of Court

MIGUEL ANTONIO GARCIA,

Plaintiff - Appellant,

v.

RAYMOND P. MOORE; MIKE
JOHNSTON, Denver Mayor,

Defendants - Appellees.

No. 25-1415
(D.C. No. 1:25-CV-02088-LTB-RTG)
(D. Colo.)

ORDER AND JUDGMENT*

Before **PHILLIPS, KELLY, and FEDERICO**, Circuit Judges. **

Defendant-Appellant Miguel Antonio Garcia, a federal inmate appearing pro se, appeals from the district court's judgment dismissing, without prejudice, his prisoner complaint and civil rights action seeking declaratory, injunctive, and monetary relief. Upon recommendation of a magistrate judge, R. 26–29, the district court overruled Mr. Garcia's objections and held that such an action would be barred

* This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

** After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument.

by Heck v. Humphrey, 512 U.S. 477 (1994), absent proof “of the unlawfulness of his conviction or confinement[,]” 512 U.S. at 486–87; R. 36–38.

On appeal, Mr. Garcia argues that his conviction and/or sentence has been invalidated. Aplt. Br. 2–3. The district court noted that Mr. Garcia provided no support for this argument. R. 36. Mr. Garcia was tried by a jury and convicted of possession of methamphetamine with intent to distribute, possession of a firearm by a prohibited person, and possession of a firearm in furtherance of a drug trafficking crime and was sentenced to a total term of 280 months imprisonment and five years’ supervised release. Judgment at 1–3, United States v. Garcia, No. 1:18-cr-00363-RM-1, (D. Colo. May 16, 2019) (ECF No. 162). He did not take a direct appeal and his 28 U.S.C. § 2255 motion was denied. Order Denying Motion to Vacate, Set Aside, or Correct Sentence, United States v. Garcia, No. 1:18-cr-00363-RM-1, (D. Colo. Mar. 31, 2020) (ECF No. 212). Because his conviction has not been reversed, expunged, declared invalid, or otherwise called into question in a federal postconviction proceeding, his action for damages and other relief may not proceed as it would imply the invalidity of his conviction. Heck, 512 U.S. at 486–87; Wilkinson v. Dotson, 544 U.S. 74, 81–82 (2005); Coleman v. U.S. Dist. Ct. of N.M., 678 Fed. App’x. 751, 754 (10th Cir. 2017) (unpublished). Although he invokes the Alien Enemies Act, 50 U.S.C. § 21, 8 U.S.C. § 1357(g), and Executive Order No. 14159, 90 Fed. Reg. 8443 (Jan. 29, 2025), pertaining to immigration, Aplt. Br. at 4, none of these demonstrate the invalidity of his conviction and sentence.

AFFIRMED.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge