

THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-20055
Conference Calendar

ANTONE RICHIE,

Plaintiff-Appellant,

versus

WAYNE SCOTT, Director,
Texas Department of Criminal Justice,
Institutional Division,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. CA-H-93-3324
- - - - -

(October 19, 1995)

Before POLITZ, Chief Judge, and REAVLEY and SMITH, Circuit Judges.

PER CURIAM:*

In this civil rights suit, Antone Richie alleges constitutional violations in connection with the revocation of his state parole. A claim for damages for allegedly unconstitutional imprisonment, alleging "harm caused by actions whose unlawfulness would render a conviction or sentence invalid," cannot be brought under 42 U.S.C. § 1983 unless that

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

"conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called in to question by a federal court's issuance of a writ of habeas corpus." Heck v. Humphrey, 114 S. Ct. 2364, 2372 (1994). A judgment in favor of Richie would necessarily implicate the validity of his sentence, which has not been invalidated; therefore, his claims are not cognizable under § 1983. See Heck, 114 S. Ct. at 2372.

Richie's motion to reject the appellees' brief is DENIED.

AFFIRMED.