

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 95-20744  
Conference Calendar

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SAMUEL CITIZEN,

Plaintiff-Appellant,

versus

STATE OF TEXAS; WAYNE SCOTT;  
WILLIAM M. HATTEN; JOHN B. HOLMES, JR.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. CA H 95-60  
- - - - -

April 19, 1996

Before DUHÉ, DeMOSS, and DENNIS, Circuit Judges.

PER CURIAM:\*

The district court did not abuse its discretion by dismissing Texas prisoner Samuel Citizen's complaint with prejudice because his claims have not accrued under Heck v. Humphrey, 114 S. Ct. 2364 (1994). However, the judgment is MODIFIED to reflect that Citizen's claims against Judge William Hatten and Harris County, Texas, District Attorney John B. Holmes, Jr., are DISMISSED ON GROUNDS OF ABSOLUTE IMMUNITY. Boyd v. Biggers, 31 F.3d 279, 284-85 (5th Cir. 1994).

AFFIRMED AS MODIFIED.

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.