

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-60125
Conference Calendar

JOHN W. LEWIS,

Plaintiff-Appellant,

versus

CLIDELL CONSTON, INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY AS POLICE OFFICER IN AND
FOR THE CITY OF JACKSON, MISSISSIPPI;
NED GARNER, INDIVIDUALLY AND IN HIS OFFICIAL
CAPACITY AS POLICE OFFICER IN AND FOR THE
CITY OF JACKSON, MISSISSIPPI; CITY OF
JACKSON, MISSISSIPPI, A MUNICIPAL CORPORATION,

Defendants-Appellees.

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Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:96-CV-529
- - - - -

October 21, 1997

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

John W. Lewis, Mississippi prisoner # 47286, appeals the dismissal of his civil rights action. He contends that he was arrested on the basis of a warrant procured by unlawful means, and that his trial counsel was ineffective.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

At the time that the district court considered his complaint, Lewis' state-court conviction was pending on direct appeal. Lewis has no cause of action for damages under 42 U.S.C. § 1983 regarding his state criminal proceedings until he can show that his conviction has been invalidated. *Heck v. Humphrey*, 512 U.S. 477, 487 (1994). We affirm the district court's dismissal of Lewis' damages claims. *Id.* Lewis may not pursue his claims until he satisfies the requirements of *Heck*. *Johnson v. McElveen*, 101 F.3d 423, 424 (5th Cir. 1996).

The district court did not err in dismissing Lewis' injunctive claims without prejudice. *Id.*; see also, *Alexander v. Ieyoub*, 62 F.3d 709, 713 (5th Cir. 1995).

AFFIRMED.