

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 98-40699
Conference Calendar

CARL E. DETWEILER, II,

Plaintiff-Appellant,

versus

CHARLES CARVER ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:97-CV-653
- - - - -

February 9, 1999

Before BARKSDALE, and EMILIO M. GARZA, Circuit Judges.*

PER CURIAM:**

Carl Detweiler, TDJC# 734084, appeals the dismissal of his civil rights action, which, in various ways, attacks his conviction and sentence for driving while intoxicated. The district court dismissed Detweiler's action as frivolous and for failure to state a claim. Detweiler's claims have not accrued

*This matter is being decided by a quorum. 28 U.S.C. § 46(d).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

under Heck v. Humphrey, 114 S. Ct. 2364, 2372 (1994) and, thus, are frivolous. See Hudson v. Hughes, 98 F.3d 868, 873 (5th Cir. 1996); Ruiz v. United States, 160 F.3d 273, 274-75 (5th Cir. 1998). Accordingly, the appeal is frivolous and is DISMISSED as such. See 5TH CIR. R. 42.2.

All outstanding motions are DENIED.

APPEAL DISMISSED.