

May 20, 2003

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

Charles R. Fulbruge III
Clerk

No. 02-30959
Summary Calendar

HELEN RHEAMS, on behalf of Walter James Rheams;
TAMMY RHEAMS; ALISHA MONIQUE THOMAS, on behalf of
Jamilah Monet Rheams,

Plaintiffs-Appellants,

versus

VICTOR MARLER, ETC.; ET AL.,

Defendants,

VICTOR MARLER, Officer; UNITED NATIONAL INSURANCE CO.;
JASON POE; LARRY JONES, Special Agent; WILLIE GRAVES;
UNITED STATES OF AMERICA,

Defendants-Appellees.

Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. 00-CV-912

Before GARWOOD, WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Appellants appeal from a judgment dismissing their 42 U.S.C.
§ 1983 suit pursuant to Heck v. Humphrey, 512 U.S. 477 (1994).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

They assign error to the district court's determination that Walter Rheams's pending criminal proceedings mandated that the suit be dismissed or, alternatively, stayed until resolution of the criminal proceedings. Rheams's death during the pendency of this appeal, however, necessarily brings a premature end to his criminal proceedings. See United States v. Estate of Parsons, 314 F.3d 745, 748 (5th Cir. 2002). We therefore vacate the judgment of the district court dismissing the suit and remand the case for further proceedings.

VACATED AND REMANDED FOR FURTHER PROCEEDINGS.