

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-9560
Conference Calendar

DAVID VANDERPOOL,

Plaintiff-Appellant,

versus

RICHARD L. STALDER, Secretary, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Middle District of Louisiana
USDC No. CA 92 992 B M2
- - - - -
(December 14, 1993)

Before GARWOOD, JOLLY, and BARKSDALE, Circuit Judges.

PER CURIAM:*

The district court correctly stayed David Vanderpool's complaint filed pursuant to 42 U.S.C. § 1983 for failing to exhaust habeas remedies. By suing Defendants Stalder and Bonvillan for actions they took which resulted in his present incarceration, Vanderpool challenges the validity of his present confinement by state authorities. Although § 1983 is the proper vehicle for federal suits seeking damages for civil rights violations related to confinement, see, e.g., Wolff v. McDonnell,

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

418 U.S. 539, 94 S.Ct. 2963, 41 L.Ed.2d 935 (1974), it is not the proper initial vehicle for suits brought by state prisoners challenging the fact or length of their confinement. Serio v. Members of Louisiana State Board of Pardons, 821 F.2d 1112, 1115 (5th Cir. 1987). The sole initial vehicle for such challenges is the federal writ of habeas corpus, with the requirement of exhaustion of state remedies. Id.; see 28 U.S.C. § 2254. The district court's stay of the § 1983 claims pending exhaustion of habeas remedies was not error. Serio, 821 F.2d at 1119-20.

The judgment is AFFIRMED.