

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 93-8833
Conference Calendar

JIMMY ROY DAVIDSON,

Plaintiff-Appellant,

versus

STATE OF TEXAS ET AL.,

Defendants-Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. A-92-CV-190

(September 20, 1994)

Before KING, SMITH, and BENAVIDES, Circuit Judges.

PER CURIAM:*

By means of a lawsuit against numerous Texas officials and governmental entities in which he alleges violations of federal civil rights and RICO laws and state criminal procedure, Texas prisoner Jimmy Roy Davidson challenges his state prosecution and conviction for the 1991 murder of an Austin taxicab driver. The damages claim is not actionable because the conviction has not

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

been reversed on direct appeal, expunged by the executive, invalidated by other state means, or called into question by the issuance of a federal habeas writ. Heck v. Humphrey, ___ U.S. ___, 114 S. Ct. 2364, 2372, 129 L. Ed. 2d 383 (1994). The claim for a new trial is not actionable because the exclusive federal judicial route to such relief is habeas corpus. Preiser v. Rodriguez, 411 U.S. 475, 488-90, 93 S. Ct. 1827, 36 L. Ed. 2d 439 (1973); Heck, 114 S. Ct. at 2369. Heck applies as well to claims of "other harm caused by actions whose unlawfulness would render a conviction or sentence invalid." Heck, 114 S. Ct. at 2372. All of Davidson's claims come within the ambit of Heck and Preiser.

The judgment of the district court dismissing the complaint is **AFFIRMED**. All outstanding motions are **DENIED**. No further briefing is necessary.