

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10222
Conference Calendar

REGINA FORD,

Plaintiff-Appellant,

versus

PHIL HARDING, Homicide
Detective, ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:93-CV-2552-G
- - - - -

(May 17, 1994)

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

PER CURIAM:*

Regina Ford, a Texas prisoner currently confined at the Dallas County Jail as a result of a parole revocation, filed this civil rights action alleging that she was arrested and detained for parole violations based on baseless charges that were ultimately dismissed. She alleged that after a hearing before the Parole Board, her parole was revoked, even though all charges against her were dropped. She sought release from confinement, injunctive relief, and monetary damages. The district court

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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

dismissed her complaint without prejudice for failure to exhaust habeas remedies.

Ford's § 1983 complaint challenges the validity of the revocation of her parole and seeks release from confinement. This Court requires plaintiffs challenging the legality of their confinement pursuant to a parole revocation to pursue state and federal habeas remedies prior to asserting a § 1983 claim. Jackson v. Torres, 720 F.2d 877, 879 (5th Cir. 1987); see also Serio v. Members of Louisiana State Bd. of Pardons, 821 F.2d 1112, 1118-19 (5th Cir. 1987). Ford indicated in her complaint that she has not instituted any other actions in state or federal court dealing with the facts alleged in her complaint relating to her current confinement on the parole revocation. The district court properly dismissed Ford's complaint for failure to exhaust state and federal habeas remedies.

To the extent that Ford seeks monetary damages for her alleged wrongful parole revocation and incarceration, her claim is inextricably intertwined with her other claims and is not readily capable of separate analysis. Therefore, exhaustion of habeas remedies is required for this claim as well. See Serio, 821 F.2d at 1119.

The district court's dismissal of Ford's complaint without prejudice was correct and the judgment IS AFFIRMED.

IT IS FURTHER ORDERED that the statute of limitations is deemed tolled pending Ford's diligent pursuit of habeas relief. See Rodriguez v. Holmes, 963 F.2d 799, 804-05 (5th Cir. 1992).