

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-10998
Conference Calendar

KENNETH WAYNE LAUNZA,

Plaintiff-Appellant,

versus

MARK ELKINS, Richardson Police,
ET AL.,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Northern District of Texas
USDC No. 3:92-CV-1965-X

- - - - -
June 29, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:*

In this civil rights suit, Kenneth Wayne Launza alleges constitutional violations in connection with the proceedings leading to his conviction on state charges. A claim alleging "harm caused by actions whose unlawfulness would render a conviction or sentence invalid" cannot be brought under 42 U.S.C. § 1983 unless that "conviction or sentence has been reversed on direct appeal, expunged by executive order, declared invalid by a

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 Pursuant to that Rule, the court has determined that this opinion should not be published.

state tribunal authorized to make such determination, or called in to question by a federal court's issuance of a writ of habeas corpus, 28 U.S.C. § 2254." Heck v. Humphrey, 114 S. Ct. 2364, 2372 (1994). A judgment in favor of Launza would necessarily implicate the validity of his conviction, which has not been invalidated; therefore, his claims are not cognizable under § 1983 at this time. See Heck, 114 S. Ct. at 2372.

AFFIRMED.