

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20281
Conference Calendar

STANLEY LAMAR REED, also known
as Stanley Johnson,

Plaintiff-Appellant,

versus

MONTGOMERY WARDS; MAXWELL I CHUKU,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. CA-H-95-3934
- - - - -

October 23, 1996

Before POLITZ, Chief Judge, and JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:*

Stanley Lamar Reed appeals the district court's dismissal of his civil rights complaint pursuant to Heck v. Humphrey, 512 U.S. 477 (1994). Although not for the reasons advanced by Reed, the district court's dismissal of the complaint under Heck arguably was in error. See Mackey v. Dickson, 47 F.3d 744, 746 (5th Cir. 1995)(claim of unlawful arrest, standing alone, does not

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

implicate the validity of a criminal prosecution following arrest). Nevertheless, we AFFIRM the dismissal of Reed's complaint because it seeks relief against private parties and fails to allege a constitutional violation by a state actor. See Yeager v. City of McGregor, 980 F.2d 337, 339 (5th Cir.), cert. denied, 510 U.S. 821 (1993).

AFFIRMED.