

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 03-7900

VERNON S. BULLOCK,

Plaintiff - Appellant,

versus

NORTH CAROLINA GENERAL ASSEMBLY; C. COLON
WILLOUGHBY, JR.; R. THOMAS FORD; JANE AND JOHN
DOES, (1-25), et al., District Attorney's
Office of Wake County; JANE AND JOHN DOES, (1-
25), et al., General Assembly Staff of State
of North Carolina,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. Terrence W. Boyle, Chief
District Judge. (CA-03-737)

Submitted: April 26, 2004

Decided: June 16, 2004

Before NIEMEYER, GREGORY, and SHEDD, Circuit Judges.

Affirmed as modified by unpublished per curiam opinion.

Vernon S. Bullock, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Vernon S. Bullock seeks to appeal the district court's order dismissing as frivolous his 42 U.S.C. § 1983 (2000) complaint. Bullock asserts, among other claims, that his speedy trial rights have been denied, the prosecutor has engaged in selective prosecution based on race, and the statute under which he was charged is unconstitutional. Based on the cursory record, we cannot say to a certainty that Bullock's claims are all frivolous. However, to the extent Bullock has stated any potentially viable claims, those claims are not cognizable against the named defendants in a § 1983 action; instead, Bullock may be able to pursue these claims, if he is convicted, in a federal habeas action after he has exhausted his state remedies. Accordingly, we modify the district court's order to reflect a dismissal of Bullock's complaint without prejudice. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED