

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 06-7919

LACY JERVAY TATE,

Plaintiff - Appellant,

v.

JOHNATHON A. HART; DEBRORAH CROWDER,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of North Carolina, at Raleigh. Malcolm J. Howard,
Senior District Judge. (5:06-ct-03067-H)

Submitted: October 24, 2008

Decided: November 13, 2008

Before TRAXLER, GREGORY, and SHEDD, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Lacy Jervay Tate, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Lacy Jervay Tate appeals the district court's order dismissing without prejudice his civil action under 42 U.S.C. § 1983 (2000). The district court ruled that the civil action had not accrued because Tate did not allege or prove that the criminal proceedings had terminated in his favor, citing Heck v. Humphrey, 512 U.S. 477 (1994), and Brooks v. City of Winston-Salem, N.C., 85 F.3d 178 (4th Cir. 1996). In his informal brief, Tate fails to address this dispositive issue. Therefore, Tate has waived appellate review of that issue. See 4th Cir. R. 34(b) (limiting review to issues raised in the informal brief); see also Edwards v. City of Goldsboro, 178 F.3d 231, 241 n.6 (4th Cir. 1999) (finding failure to raise issue in opening brief constituted abandonment of that issue). Accordingly, we affirm the order of the district court. See Tate v. Hart, No. 5:06-ct-03067-H (E.D.N.C. Oct. 10, 2006). 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