

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-6180

JEFFREY COHEN,

Plaintiff - Appellant,

v.

MICHAEL SHAO, In his personal and official capacity as Special Agent; KALLIOPI MULLINS-TSERKIS, In her personal and official capacity as Postal Inspector; MS. JENNIFER PERRY, In her personal and official capacity as Special Agent; JOHN DOES, Government Line Agents; JANE DOES, Government Line Agents,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore. William D. Quarles, Jr., District Judge. (1:14-cv-04020-WDQ)

Submitted: June 18, 2015

Decided: June 22, 2015

Before SHEDD, DUNCAN, and AGEE, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Jeffrey Brian Cohen, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jeffrey Brian Cohen appeals the district court's orders dismissing without prejudice* his 42 U.S.C. § 1983 (2012) suit against federal agents, under 28 U.S.C. §§ 1915, 1915A (2012), and denying his motion for reconsideration.

The district court determined that Cohen's complaint raised issues concerning the validity of the Government's ongoing criminal case against Cohen and, thus, should be dismissed under the principles of Heck v. Humphrey, 512 U.S. 477 (1994), and its progeny. Because no conviction has yet occurred, we conclude that the district court's dismissal under Heck is premature. See Wallace v. Kato, 549 U.S. 384, 393-94 (2007).

Accordingly, we vacate the district's orders and remand for further proceedings in light of Wallace. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

VACATED AND REMANDED

* We have jurisdiction because Cohen cannot cure the defect identified in his complaint by mere amendment. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993).