

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 95-7408

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ROBERT DOUGLAS TURNER,

Plaintiff - Appellant,

versus

NED M. MIKULA,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern District of Virginia, at Norfolk. Rebecca B. Smith, District Judge. (CA-95-693)

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Submitted: January 11, 1996

Decided: January 24, 1996

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Before RUSSELL, HALL, and WILKINSON, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Robert Douglas Turner, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellant appeals from the district court's order denying relief on his 42 U.S.C. § 1983 (1988) complaint. We have reviewed the record and the district court's opinion and find no reversible error. Accordingly, we affirm substantially on the reasoning of the district court. Turner v. Mikula, No. CA-95-693 (E.D. Va. Aug. 2, 1995). To the extent that Appellant claims his counsel conspired with the prosecution, his claim may not be barred by the statute of limitations, but it is barred by the Supreme Court's holding in Heck v. Humphrey, \_\_\_ U.S. \_\_\_, 62 U.S.L.W. 4594 (U.S. June 24, 1994) (No. 93-6188). In all other respects Appellant's claims against his attorney are not cognizable because the attorney was not a state actor. See Polk County v. Dodson, 454 U.S. 312 (1981); Deas v. Potts, 547 F.2d 800 (4th Cir. 1976). 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