

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

STEPHAN D. BROOKS,

Plaintiff-Appellant.

v.

No. 98-7739

JOHN DOE, Law Enforcement
Officer; CHARLOTTE-MECKLENBURG
POLICE DEPARTMENT,
Defendants-Appellees.

Appeal from the United States District Court
for the Western District of North Carolina, at Charlotte.
Graham C. Mullen, Chief District Judge.
(CA-98-460)

Submitted: May 11, 1999

Decided: June 3, 1999

Before NIEMEYER, HAMILTON, and KING, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

Stephen D. Brooks, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Stephan Brooks appeals from a district court order dismissing his action brought under 42 U.S.C. § 1983 (1994), seeking damages for his allegedly unlawful arrest. Although the district court dismissed the action on the ground that it sounded in habeas and required exhaustion of state remedies, Brooks' complaint does not specifically challenge the validity of his conviction or continued detention, but rather seeks only monetary damages for his allegedly improper arrest. Moreover, Brooks' wrongful arrest claim does not necessarily bear on the validity of his conviction because he could successfully challenge the arrest without affecting his conviction. See Washington v. Summerville, 127 F.3d 552, 556 (7th Cir. 1997); Brooks v. City of Winston-Salem, Inc., 85 F.3d 178, 182-83 (4th Cir. 1996).

We therefore vacate the district court's order and remand for further consideration. 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.

VACATED AND REMANDED