

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

LESLIE CANTY, JR.,

Plaintiff-Appellant.

v.

No. 99-7059

COMMONWEALTH OF VIRGINIA,

Defendant-Appellee.

CITY OF PORTSMOUTH,

Movant-Appellee.

Appeal from the United States District Court
for the Eastern District of Virginia, at Norfolk.

Jerome B. Friedman, District Judge.

(CA-99-388-2)

Submitted: January 27, 2000

Decided: February 11, 2000

Before WILKINS, LUTTIG, and MOTZ, Circuit Judges.

Dismissed by unpublished per curiam opinion.

COUNSEL

Leslie Canty, Jr., Appellant Pro Se. Linwood Theodore Wells, Jr.,
Assistant Attorney General, Richmond, Virginia; Samuel Lawrence
Dumville, Virginia Beach, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.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

OPINION

PER CURIAM:

Leslie Canty, Jr., appeals the district court's order dismissing his complaint challenging his speeding conviction. In his complaint, Canty raised a number of constitutional claims to his conviction and asked that the district court reverse the conviction and order another trial. Canty insisted, however, that he was not bringing a challenge to his conviction under 28 U.S.C.A. § 2254 (West 1994 & Supp. 1999), and stated several times that he was never in custody on this charge.

Lower federal courts generally lack jurisdiction to review challenges to state court decisions, even if there is an allegation that the state court's action was unconstitutional. See District of Columbia Court of Appeals v. Feldman, 460 U.S. 462, 476-79 (1983); Rooker v. Fidelity Trust Co., 263 U.S. 413, 415-16 (1923). A statutory exception to this rule is provided by the habeas corpus statutes. See Plyler v. Moore, 129 F.3d 728, 732 (4th Cir. 1997). However, because Canty emphatically stated that he was not seeking habeas relief and represented that he was never in custody for the offense, the habeas exception has no applicability to this case. See 28 U.S.C. § 2254(a) (1994); Carafas v. LaVallee, 391 U.S. 234, 238 (1968).

We therefore dismiss the appeal for want of jurisdiction. 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.

DISMISSED