

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 99-7298

KENNY DREW SAYRE, SR.,

Plaintiff - Appellant,

versus

LINDA FRANCIS CRIM,

Defendant - Appellee.

No. 99-7303

KENNY DREW SAYRE, SR.,

Plaintiff - Appellant,

versus

SAM TAYLOR, Police Officer,

Defendant - Appellee.

Appeals from the United States District Court for the Northern District of West Virginia, at Clarksburg. Irene M. Keeley, District Judge. (CA-99-155-1, CA-99-158-1)

Submitted: December 16, 1999

Decided: December 22, 1999

Before MURNAGHAN and MOTZ, Circuit Judges, and BUTZNER, Senior Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Kenny Drew Sayre, Sr., Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Kenny Drew Sayre, Sr., appeals the district court's orders denying relief on his 42 U.S.C.A. § 1983 (West Supp. 1999) complaints under 28 U.S.C.A. § 1915A(b) (West Supp. 1999). We have reviewed the record and the district court's opinions and find no reversible error. We note that Sayre's damages claims are not cognizable under § 1983 because his conviction has not been reversed, expunged, declared invalid by a state court, or called into question by a federal court's issuance of a writ of habeas corpus. See Heck v. Humphrey, 512 U.S. 477, 486-87 (1994). Because Sayre may refile his claims should his conviction ever be overturned or called into question by the appropriate court or upon the exhaustion of his state remedies, we modify the dismissal to be without prejudice and affirm as modified. See 28 U.S.C. § 2106 (1994). We deny Sayre's motions to have the complaints reinstated and his motion to supplement the record on appeal. 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 AS MODIFIED