

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 00-2389

CRYSTAL J. WOLFF; JEFFREY L. WOLFF, SR.;
JENNIFER K. WOLFF,

Plaintiffs - Appellants,

versus

PAMELA GAMES-NEELY, Prosecutor; GREG SEIFORT,
D.H.H.R. Worker; JENNELL SIEGLAR, D.H.H.R.
Worker; DAVID SANDERS, Judge; DR. PARRY,
School Assistant Supervisor; PAUL LANE, Esq.;
DAVID FOREMAN, Trooper; BURNICE WEINSTEIN,
Prosecutor; NANCY DALBY, Guardian ad litem,

Defendants - Appellees.

Appeal from the United States District Court for the Northern Dis-
trict of West Virginia, at Martinsburg. W. Craig Broadwater, Dis-
trict Judge. (CA-00-67-3)

Submitted: March 16, 2001

Decided: March 30, 2001

Before LUTTIG, TRAXLER, and KING, Circuit Judges.

Affirmed in part and affirmed as modified in part by unpublished
per curiam opinion.

Crystal J. Wolff, Jeffrey L. Wolff, Sr., Jennifer K. Wolff,
Appellants Pro Se.

Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Appellants appeal the district court's order dismissing their civil rights complaint as frivolous. To the extent that Appellants' complaint seeks the criminal prosecution of the named Defendants, we affirm on the reasoning of the district court. Wolff v. Games-Neely, No. CA-00-67-3 (N.D.W. Va. Oct. 3, 2000). To the extent that Appellants seek money damages against the Defendants for their alleged wrongdoings, we note that the accusations leveled against the Defendants, if true, would undermine the validity of Appellant Jeffrey Wolff's criminal conviction. Accordingly, Wolff must first demonstrate that his conviction has been reversed, expunged, declared invalid, or called into question by a federal court's issuance of a writ of habeas corpus. Heck v. Humphrey, 512 U.S. 477, 486-87 (1994). Accordingly, we affirm as modified to dismiss this claim without prejudice to the Appellants' right to refile upon such a showing. We deny Appellants' motion for a copy of a response to their informal brief, as no such response exists. 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 IN PART; AFFIRMED

AS MODIFIED IN PART