

UNPUBLISHED  
**UNITED STATES COURT OF APPEALS**  
FOR THE FOURTH CIRCUIT

<p>SOMJAI MURRELL, <i>Plaintiff-Appellant,</i></p> <p style="text-align:center">v.</p> <p>DARLENE BEST, Undercover Officer; UNNAMED POLICE OFFICER, <i>Defendants-Appellees.</i></p>	}	No. 01-6558
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Appeal from the United States District Court  
for the Eastern District of Virginia, at Norfolk.  
Jerome B. Friedman, District Judge.  
(CA-01-209-2)

Submitted: July 31, 2001

Decided: August 21, 2001

Before MOTZ and KING, Circuit Judges, and  
HAMILTON, Senior Circuit Judge.

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Remanded by unpublished per curiam opinion.

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**COUNSEL**

Somjai Murrell, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.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

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**OPINION**

## PER CURIAM:

Somjai Murrell appeals the district court's dismissal of his 42 U.S.C.A. § 1983 (West Supp. 1999) complaint. The district court construed Murrell's action as one for habeas corpus relief under 28 U.S.C.A. § 2254 (West 1994 & Supp. 2000) after finding Murrell's action, which alleges he was arrested without probable cause, challenged the fact or duration of his incarceration. On appeal, however, Murrell argues that the incident that forms the basis of his § 1983 complaint is unconnected to his current incarceration.

We have reviewed the record and the district court's opinion and find the record before us is inadequate to evaluate the propriety of the district court's action. Accordingly, we remand Murrell's claim to the district court for further proceedings to ascertain if in fact Murrell's allegations in this complaint amount to an attack on a conviction for which he was incarcerated. The record, as supplemented, will then be returned to this court for further proceedings. We dispense with oral argument because the facts and legal contentions are adequately presented in the material before the court and argument would not aid the decisional process.

*REMANDED*