

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 21-1946

PETER LIOUNIS,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA,

Defendant - Appellee.

Appeal from the United States District Court for the Northern District of West Virginia, at Martinsburg. Gina M. Groh, Chief District Judge. (3:20-cv-00187-GMG)

Submitted: December 21, 2021

Decided: December 22, 2021

Before KING and QUATTLEBAUM, Circuit Judges, and TRAXLER, Senior Circuit Judge.

Affirmed as modified by unpublished per curiam opinion.

Peter Liounis, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Peter Liounis, a federal prisoner, appeals the district court's order accepting the recommendation of the magistrate judge and dismissing his complaint filed under the Federal Tort Claims Act (FTCA), 28 U.S.C. §§ 1346(b), 2671-2680. The district court dismissed Liounis' complaint with prejudice pursuant to 28 U.S.C. § 1915A on two grounds. First, the district court ruled that Liounis had failed to comply with a prefiling injunction before filing his complaint. Second, the district court concluded that Liounis' claims were barred by *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994).

Upon our review of the record, we agree that *Heck* applies to Liounis' claims. *See, e.g., Erlin v. United States*, 364 F.3d 1127, 1131-32 (9th Cir. 2004); *Parris v. United States*, 45 F.3d 383, 385 (10th Cir. 1995). Accordingly, we affirm the district court's order on that ground, though we modify the dismissal to be without prejudice because Liounis may refile his claims should his convictions ever be overturned or called into question by the appropriate court. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED AS MODIFIED