UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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No. 08-8440

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SHAHID IMAN OMAR,

               Plaintiff – Appellant,

      v.

DEBORAH K. CHASANOW; LYNNE ANN BATTAGLIA; BRYAN E. FOREMAN;
JAMES PAPIRMEISTER,

               Defendants – Appellees.

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Appeal from the United States District Court for the District of
Maryland, at Greenbelt.   Peter J. Messitte, Senior District
Judge.   (8:08-cv-02626-PJM)

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Submitted: March 12, 2009   Decided: March 18, 2009

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

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Affirmed as modified by unpublished per curiam opinion.

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Shahid Iman Omar, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Shahid Iman Omar appeals the district court's order dismissing under 28 U.S.C. § 1915A (2006) his civil action challenging the validity of his federal conviction and seeking damages and injunctive relief. The district court properly denied relief because Omar has not shown that his conviction has been overturned or called into question. See Heck v. Humphrey, 512 U.S. 477, 486-87 (1994); Harvey v. Horan, 278 F.3d 370, 375 (4th Cir. 2002) (applying Heck to claims for injunctive relief).[*] However, we modify the district court's order to reflect that dismissal is without prejudice to Omar's ability to refile his claims if his federal conviction is overturned or called into question by the appropriate court, and affirm the order as modified. See Omar v. Chasanow, et al., No. 8:08-cv-02626-PJM (D. Md. Oct. 16, 2008). 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

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[*] The rationale in Heck applies in actions under Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). See Clemente v. Allen, 120 F.3d 703, 705 (7th Cir. 1997); Abella v. Rubino, 63 F.3d 1063, 1065 (11th Cir. 1995); Tavarez v. Reno, 54 F.3d 109, 110 (2d Cir. 1995).