

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-8102

DAVE ANDRAE TAYLOR,

Plaintiff - Appellant,

v.

CITY OF FARMVILLE; FARMVILLE POLICE DEPARTMENT; FARMVILLE
SHERIFF DEPARTMENT; STATE OF VIRGINIA; PRINCE EDWARD COUNTY;
OFFICE OF THE COMMONWEALTH ATTORNEY,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Anthony J. Trenga,
District Judge. (1:09-cv-00963-AJT-IDD)

Submitted: July 8, 2010

Decided: August 12, 2010

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

Vacated and remanded by unpublished per curiam opinion.

Dave Andrae Taylor, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Dave Andrae Taylor, a federal prisoner, filed a complaint pursuant to 42 U.S.C. § 1983 (2006) seeking damages on the ground that Defendants failed to advise him at the time of his arrest in February 1999 of his rights under Article 36 of the Vienna Convention. The district court dismissed the action without prejudice, concluding that Taylor's action was barred by the holding in Heck v. Humphrey, 512 U.S. 477 (1994). We have reviewed the record and the district court's order and conclude that pursuant to Sanchez-Llamas v. Oregon, 548 U.S. 331 (2006), the action was not barred by the holding in Heck. Accordingly, we vacate the district court's order dismissing Taylor's action without prejudice and remand for further proceedings consistent with this opinion. We deny Taylor's motion for appointment of counsel and 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.

VACATED AND REMANDED