

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 10-6491

DAVE ANDRAE TAYLOR,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; UNITED STATES ATTORNEY'S OFFICE; DRUG ENFORCEMENT ADMINISTRATION; BUREAU OF ALCOHOL, FIREARMS, TOBACCO & EXPLOSIVES; ROBERT E. TRONO, A.U.S.A.; JOHN HEALY, A.T.F.B. Special Agent; RICHARD PHILPOTT, D.E.A. Special Agent,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Anthony J. Trenga, District Judge. (1:10-cv-00109-AJT-IDD)

Submitted: October 6, 2010

Decided: October 29, 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Vacated and remanded by unpublished per curiam opinion.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Unpublished opinions are not binding precedent in this circuit.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 Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), seeking damages on the ground that Defendants failed to advise him prior to his conviction of drug and firearms offenses 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 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