

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 11-6454

MARK A. BARNES,

Plaintiff - Appellant,

v.

NANCY PARR, Head Commonwealth Attorney; DAVID J. WHITTED,
Deputy Commonwealth Attorney; D. J. GEIGER, Deputy
Executive Director Virginia Indigent Defense Commission,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Leonie M. Brinkema,
District Judge. (1:11-cv-00160-LMB-TCB)

Submitted: July 13, 2011

Decided: July 18, 2011

Before DAVIS and WYNN, Circuit Judges, and HAMILTON, Senior
Circuit Judge.

Affirmed by unpublished per curiam opinion.

Mark A. Barnes, Appellant Pro Se. Jeff W. Rosen, PENDER &
COWARD, PC, Virginia Beach, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Mark A. Barnes appeals the district court's order dismissing his 42 U.S.C. § 1983 (2006) complaint without prejudice. The district court dismissed the complaint pursuant to Heck v. Humphrey, 512 U.S. 477, 487 (1994), finding that the complaint challenges the fact or duration of Barnes' confinement and thus should have been raised in a petition under 28 U.S.C. § 2254 following exhaustion of state remedies. We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court. Barnes v. Parr, No. 1:11-cv-00160-LMB-TCB (E.D. Va. Mar. 22, 2011). 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