

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-6897

TORREY LAMONT LOVE,

Plaintiff - Appellant,

v.

WILLIAM A. RUMGAY; TODD PRESSMAN; PENNIE KYLE; SGT. WADE E.
SIBLEY; RICHARD SIVIC; JASON M. MERRITT; CRAIG W. MILLER;
TFC GRANT; TFC RANK,

Defendants - Appellees.

Appeal from the United States District Court for the District of
Maryland, at Baltimore. Richard D. Bennett, District Judge.
(1:13-cv-01402-RDB)

Submitted: July 25, 2013

Decided: July 30, 2013

Before GREGORY, DAVIS, and THACKER, Circuit Judges.

Vacated and remanded by unpublished per curiam opinion.

Torrey Lamont Love, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Torrey Lamont Love filed a 42 U.S.C. § 1983 (2006) complaint against several state police officers alleging constitutional violations associated with a traffic stop resulting in Love's arrest and subsequent criminal charges. The district court dismissed Love's complaint without prejudice, finding that Heck v. Humphrey, 512 U.S. 477, 487 (1994) barred Love's maintenance of an action challenging the legality of his arrest or conviction because Love had been convicted of the charges and had not successfully challenged that conviction. However, a review of the record reveals that Love in fact alleged in his complaint that he was not convicted of the charges, but that they were dismissed by the State. We therefore conclude that the district court erred in dismissing the complaint without prejudice.

Accordingly, we vacate the district court's order and remand with instructions to consider Love's complaint on the merits. We also deny Love's motion to assign counsel.

VACATED AND REMANDED