

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 13-7882

ALLEN WAYNE POSTON,

Plaintiff - Appellant,

v.

ROBERT CONRAD, JR., Judge; VENTO, Assistant US Attorney;
ODULIO, Assistant US Attorney; ERIC DAVIS, Special Agent
(FBI); STITITE, Special Agent (FBI); JOHN CACHERIS,
Attorney; JOE BILL PUTNAM; HARRY PUTNAM; DENNIS DEVINE;
PHOEBE DEVINE; DOUGLAS WAYNE COBB; G. K. DAVIS; DAVID
MUSICK; TRAVIS KISER; JACK LEDBETTER; DOE 1, Spouse of
Douglas Wayne Cobb,

Defendants - Appellees.

Appeal from the United States District Court for the Western
District of North Carolina, at Charlotte. Frank D. Whitney,
Chief District Judge. (3:13-cv-00586-FDW)

Submitted: July 29, 2014

Decided: July 31, 2014

Before NIEMEYER, WYNN, and DIAZ, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Allen Wayne Poston, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Allen Wayne Poston appeals the district court's order dismissing his complaint filed pursuant to Bivens v. Six unknown Names Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971), as barred by Heck v. Humphrey, 512 U.S. 477 (1994). We have reviewed the record and find no reversible error. Accordingly, we affirm for the reasons stated by the district court but modify the dismissal to be without prejudice to Poston's right to refile if his conviction is invalidated or called into question by the appropriate court. Poston v. Conrad, No. 3:13-cv-00586-FDW (W.D.N.C. Nov. 6, 2013). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED