

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 16-7485

JIMMY BOWMAN,

Plaintiff - Appellant,

v.

J. T. MANN, individually and in official capacity, Detective, Prince George Police Department; DET. BRYANT, individually and in official capacity, Detective, Prince George Police Department,

Defendants - Appellees.

Appeal from the United States District Court for the Eastern District of Virginia, at Richmond. Robert E. Payne, Senior District Judge. (3:15-cv-00521-REP-RCY)

Submitted: March 30, 2017

Decided: April 3, 2017

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

Affirmed as modified by unpublished per curiam opinion.

Jimmy Bowman, Appellant Pro Se. Jim H. Guynn, Jr., GUYNN & WADDELL P.C., Salem, Virginia, for Appellees.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Jimmy Bowman appeals the district court's order dismissing his 42 U.S.C. § 1983 (2012) complaint. Bowen's claims are not cognizable under § 1983 because a judgment in his favor would necessarily imply that his subsequent criminal conviction was invalid and Bowen has not shown that his conviction has been reversed, expunged, declared invalid, or otherwise called into question. *Heck v. Humphrey*, 512 U.S. 477, 486-87 (2006). Because Bowman may refile his claims should his conviction ever be overturned or called into question by the appropriate court, we modify the dismissal to be without prejudice and affirm as modified.* 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 AS MODIFIED

* In the district court, Bowman included a state constitutional claim. The district court declined to exercise supplemental jurisdiction over this claim and dismissed it without prejudice. Bowen does not challenge this ruling in his informal brief. *See* 4th Cir. R. 34(b) ("The Court will limit its review to the issues raised in the informal brief.").