

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

May 15, 2009

No. 08-10763
Summary Calendar

Charles R. Fulbruge III
Clerk

MICHAEL A. POWELL,

Plaintiff-Appellant,

versus

TIM CURRY; BEN LENORD; SHARON WILSON; VALLERIE ALLEN;
CAROL ALEXANDER; TOM WILDER; JOHN HARDING; JOHN LADD;
COOKS HOSPITAL; ANDY SHEPPARD; FORT WORTH PD;
WHITE SETTLEMENT PD; LEIGH DAVIS; ABE FACTOR;
WOODS POLYGRAPH; DANIELLE KENNEDY,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Texas
No. 4:07-CV-587

Before SMITH, STEWART, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Michael Powell, Texas prisoner # 1342523, appeals the dismissal of his 42 U.S.C. § 1983 action for failure to state a claim. In his suit for damages, he asserts that the defendants conspired to obtain his conviction illegally and to thwart his appeal by falsifying and altering documents and trial transcripts.

Powell contends that his suit is not barred by *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994), because officers of the court committed the criminal act of conspiracy, and the charges against him were unfounded. As the district court found, however, Powell's claims are barred by *Heck*, because he is seeking to recover damages for an allegedly unconstitutional conviction that has not been reversed on appeal or in a post-conviction proceeding. *See id.* at 486-87.

AFFIRMED.

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.