

United States Court of Appeals  
For the Eighth Circuit

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No. 17-2487

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Antonio Ausler

*Plaintiff - Appellant*

v.

Wes Bradford; CPL. James Collins; State of Arkansas; Timothy Bunch; Lee Short;  
Dan (Charles) Hancock; Ronald Davis, Jr.; Honorable John Putman

*Defendants - Appellees*

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Appeal from United States District Court  
for the Western District of Arkansas - Harrison

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Submitted: January 3, 2018  
Filed: January 10, 2018  
[Unpublished]

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Before GRUENDER, MURPHY, and SHEPHERD, Circuit Judges.

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PER CURIAM.

Antonio Ausler appeals the district court's<sup>1</sup> preservice dismissal of his civil rights action, brought under, inter alia, 42 U.S.C. § 1983. Having carefully reviewed

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<sup>1</sup>The Honorable Timothy L. Brooks, United States District Judge for the Western District of Arkansas.

the record and the parties' arguments on appeal, we conclude that dismissal was proper for the reasons explained by the district court. See Moore v. Sims, 200 F.3d 1170, 1171 (8th Cir. 2000) (per curiam) (28 U.S.C. § 1915(e)(2)(B) dismissal reviewed de novo). Further, we find that Ausler's argument on appeal--that, because he was not incarcerated when he filed his complaint, his claims for damages were not barred by Heck v. Humphrey, 512 U.S. 477, 486-87 (1994)--is precluded by circuit precedent. See Newmy v. Johnson, 758 F.3d 1008, 1011-12 (8th Cir. 2014) (noting that Heck's favorable-termination rule applies when § 1983 plaintiff is no longer incarcerated). Accordingly, we deny Ausler's motion for oral argument, and we affirm. See 8th Cir. R. 47B.

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