

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 00-7229

September Term, 2000

00cv02030

Filed On: December 29, 2000

[565739]

Anthony Kelly,
Appellant

v.

District of Columbia Metropolitan
Police and C. Howard, Officer,
Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

BEFORE: Edwards, Chief Judge; Sentelle and Henderson, Circuit Judges

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by the appellant. The court has determined that the issues presented occasion no need for an opinion. See Fed. R. App. P. 36; D.C. Cir. Rule 36(b). It is

ORDERED AND ADJUDGED that the district court's order filed August 29, 2000, be affirmed substantially for the reasons stated by the district court therein. The district court properly dismissed the case. See *Heck v. Humphrey*, 512 U.S. 477 (1994) (section 1983 claim for damages which necessarily challenges fact or duration of confinement is not cognizable unless the confinement previously has been invalidated).

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam