

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 00-5271

September Term, 2000

00cv01609

Filed On: January 31, 2001 [572885]

Michael P. Paalan,
Appellant

v.

Richard Danzig, Secretary of the Navy, et al.,
Appellees

BEFORE: Sentelle, Henderson, and Rogers, Circuit Judges

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

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 appellant's brief. 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 July 7, 2000, be affirmed substantially for the reasons stated therein. A judgment in appellant's favor on his damages claim would necessarily imply the invalidity of his conviction and sentence, but appellant's conviction and sentence have not been "reversed on direct appeal, expunged by executive order, declared invalid by a state tribunal authorized to make such determination, or called into question by a federal court's issuance of a writ of habeas corpus." Heck v. Humphrey, 512 U.S. 477, 486-87 (1994). Review of appellant's court-martial proceedings is still ongoing in the military courts. See United States v. Paalan, No. NMCM 96-02041, 2000 WL 1505446 (N-M. Ct. Crim. App. 2000). And appellant's request for injunctive relief (i.e., to enjoin appellees from refusing to appoint new appellate counsel) is moot because the military court directed his case be remanded, and his case is thus no longer on appeal.

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