

December 16, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-60826
Conference Calendar

EVAN DOSS, JR.,

Plaintiff-Appellant,

versus

RONALD MCALPIN, Office of the United States Trustee, EILEEN
SHAFFER BAILEY; UNITED STATES TRUSTEE,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 3:02-CV-193-WS

Before KING, Chief Judge, and DeMOSS and CLEMENT, Circuit Judges.

PER CURIAM:*

Evan Doss, Jr., appeals the dismissal of his civil rights complaint against Eileen Shaffer Bailey, bankruptcy trustee for the estate of the Evan Doss, Jr., Corporation; Ronald McAlpin, Assistant United States Trustee; and the Office of the United States Trustee. Doss's complaint alleged that Bailey and McAlpin engaged in "fraud, misrepresentation, and collusion" in their assignment of assets belonging to the bankruptcy estate of the Evan Doss, Jr., Corporation; that they wrongfully assigned

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

certain corporate bankruptcy assets; and that their mishandling of the corporate bankruptcy estate caused Doss to be convicted of bankruptcy fraud.

Although the district court dismissed Doss's complaint for lack of standing and on grounds of res judicata, we note that Doss's complaint implicates the validity of his criminal conviction and that it is, therefore, barred under Heck v. Humphrey.** See Randell v. Johnson, 227 F.3d 300, 301 (5th Cir. 2000). We AFFIRM the dismissal of Doss's complaint as premature under Heck. See Bickford v. Int'l Speedway Corp., 654 F.2d 1028, 1031 (5th Cir. 1981).

As this complaint is Doss's third attempt to litigate the legality of the bankruptcy proceedings of the Evan Doss, Jr., Corporation, we WARN Doss that future meritless filings concerning this issue will result in the imposition of sanctions.

AFFIRMED; SANCTIONS WARNING ISSUED.

** 512 U.S. 477 (1994)