

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-20395
Summary Calendar

BILLY HOLMES, a/k/a Richards,

Plaintiff-Appellant,

versus

IDA M. GARCIA; RUSTY HARDIN,

Defendants-Appellees.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-93-CV-1577
- - - - -

October 18, 1996

Before HIGGINBOTHAM, WIENER and BENAVIDES, Circuit Judges.

PER CURIAM:*

Billy Holmes, a/k/a Billy Richards, # 306701, appeals the dismissal of his 42 U.S.C. § 1983 civil rights action. Holmes argues that his claim that the district attorney and court reporter altered the statement of facts of his criminal trial does not implicate the validity of his conviction and so is not subject to dismissal under Heck v. Humphrey, 114 S. Ct. 2364 (1994). We hold that his claim is subject to dismissal pursuant

* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

to Heck, and we AFFIRM the judgment of the district court.

Holmes' motion to supplement the record on appeal is DENIED.

AFFIRMED.