

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 96-30567  
Conference Calendar

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KIM POWELL,

Plaintiff-Appellant,

versus

DARYL DUPLESSIE, Court Reporter,

Defendant-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 95-CV-3867  
- - - - -

October 23, 1996

Before POLITZ, Chief Judge, and JOLLY and HIGGINBOTHAM, Circuit Judges.

PER CURIAM:\*

Louisiana prisoner Kim Powell, #111068, appeals from the dismissal of his 42 U.S.C. § 1983 claim for failure to state a claim. Powell contends that his constitutional rights were violated when the state-court court reporter did not provide him with a requested state-court transcript within a reasonable time.

Determination whether Powell was prejudiced by the court reporter's failure would require us to examine the contentions

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\* Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

with which Powell hopes to undermine his state-court conviction. Success on Powell's underlying claims would call his conviction into question; Powell has no § 1983 cause of action on those claims until he demonstrates that his conviction has been invalidated. *Heck v. Humphrey*, 512 U.S. 477, 512, 114 S. Ct. 2364, 2372 (1994). Because Powell has no cause of action regarding his substantive claims, he has no cause of action regarding the delay in providing him with a transcript.

AFFIRMED.