

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 99-40616
Conference Calendar

SAMUEL RODRIGUEZ REYNA,

Plaintiff-Appellant,

versus

PAUL STWART; ROY CANTU, Jailer; NATHINE COATES; JANET WILLIAM;
JIMMY REEVE; SUSAN GIBBANY; ERIC ECHAVARRY; LEROY MOODY, Sheriff,
San Patricio County, State of Texas; NINA TRIVINO; WAYNE SCOTT,
Director-TDCJ; WILLIAM BROOKS; J. DE LEON; HECTOR GARZA; BOB
GILL; JORGE L. FERNANDEZ; DANNY GARCIA; MARY ANN GARZA; OMAR I.
SANCHES; ELISEO ZUNIGA; DAVID AKEN, County Attorney,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. C-97-CV-674

April 14, 2000

Before WIENER, DeMOSS, and PARKER, Circuit Judges.

PER CURIAM:*

Samuel Rodriguez Reyna, TDCJ #494325, appeals the judgment in favor of the defendants in his 42 U.S.C. § 1983 civil rights suit. Reyna challenges his conviction and 11 year sentence for burglary, seeks injunctive relief for his release from prison for

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

the burglary conviction, and argues that the jury erred in failing to award damages when it found the defendant was liable. Reyna has moved this court for the appointment of appellate counsel and to supplement the appellate record. Reyna has not demonstrated that his case presents exceptional circumstances warranting the appointment of counsel, and the motion for appointment of counsel is denied. The supplement to the record is unrelated to the arguments raised on appeal, and the motion to supplement is denied.

Reyna's claims regarding his burglary conviction were raised for the first time on appeal and may not be considered. See Leverette v. Louisville Ladder Co., 183 F.3d 339, 342 (5th Cir. 1999), cert. denied, 120 S. Ct. 982 (2000). In addition, the claims may not be raised until Reyna's burglary conviction has been invalidated. See Heck v. Humphrey, 512 U.S. 477, 487 (1994). Reyna's final argument is factually frivolous because the jury found that the defendant was not liable. The judgment in favor of the defendants is AFFIRMED.

AFFIRMED. MOTIONS DENIED.