

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-7665

ALONZO RICHARDSON,

Plaintiff - Appellant,

v.

CHARLES E. COUNTS,

Defendant - Appellee.

Appeal from the United States District Court for the District of South Carolina, at Rock Hill. David C. Norton, Chief District Judge. (0:09-cv-01997-DCN)

Submitted: January 13, 2010

Decided: February 2, 2010

Before WILKINSON, NIEMEYER, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Alonzo Richardson, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Alonzo Richardson appeals the district court's order denying relief on his 42 U.S.C. § 1983 (2006) complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's judgment* See Richardson v. Counts, No. 0:09-cv-01997-DCN (D.S.C. filed Aug. 31, 2009 & entered Sept. 1, 2009). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED

* Although Richardson's claim that Defendant Counts made false representations in his application for an arrest warrant falls under the Fourth Amendment exception noted in Heck v. Humphrey, 512 U.S. 477, 487 n.7 (1994), termination favorable to the plaintiff in the prior criminal proceeding is an essential element of a § 1983 claim based on a seizure in violation of the Fourth Amendment. Lambert v. Williams, 223 F.3d 257, 262 & n.3 (4th Cir. 2000); Brooks v. City of Winston-Salem, 85 F.3d 178, 182-83 (4th Cir. 1996). We accordingly affirm the district court's dismissal of Richardson's constitutional claim on the ground that Richardson made no allegation of such a favorable termination.