

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

NO. 06-3956

STEPHEN STACKHOUSE,
Appellant

vs.

JOHN KRAVICH, Public Defender, Montgomery County

On Appeal From the United States District Court
For the Eastern District of Pennsylvania
(D.C. Civ. No. 06-cv-03118)
District Judge: Honorable Timothy J. Savage

Submitted For Possible Dismissal Under 28 U.S.C. § 1915(e)(2)(B)

March 22, 2007

Before: MCKEE, FUENTES and WEIS, CIRCUIT JUDGES

Filed: April 18, 2007

OPINION

PER CURIAM.

Appellant, Stephen Stackhouse, proceeding pro se and in forma pauperis, filed a complaint asserting a claim under 42 U.S.C. § 1983 against public defender John Kravich. The complaint alleges that Kravich did not adequately defend Stackhouse against state criminal charges. Stackhouse requests money damages and that his state

conviction be overturned. We agree with the District Court that Kravich is not a proper party to this action, see Polk County v. Dodson, 454 U.S. 312, 325 (1981), and that even if he were, the instant challenge to the validity of the state conviction would be barred by Heck v. Humphrey, 512 U.S. 477, 486-87 (1994).

As the appeal lacks arguable merit, we will dismiss it pursuant to 28 U.S.C. § 1915(e)(2)(B). Appellant's motion for appointment of counsel is denied.