

**United States Court of Appeals
FOR THE EIGHTH CIRCUIT**

No. 00-3783

Latasha L. Childs,

Appellant,

v.

Mindy Howard, Records, McPherson
Unit, Wackenhut Correctional Facility,

Appellee.

*
*
*
* Appeal from the United States
* District Court for the
* Eastern District of Arkansas.
*
* [UNPUBLISHED]
*
*

Submitted: December 21, 2000
Filed: December 21, 2000

Before BEAM, FAGG, and LOKEN, Circuit Judges.

PER CURIAM.

In this 42 U.S.C. § 1983 action, Latasha L. Childs claimed her parole-eligibility date had passed and asked for an award of good time credit, her release, and damages. The district court¹ dismissed her complaint, finding she could not challenge the fact or length of her confinement in this proceeding. Based on our review of the record, we

¹The HONORABLE STEPHEN M. REASONER, United States District Judge for the Eastern District of Arkansas, adopting the report and recommendations of the HONORABLE H. DAVID YOUNG, United States Magistrate Judge for the Eastern District of Arkansas.

affirm, but modify the dismissal to be without prejudice. See 8th Cir. R. 47B; Sheldon v. Hundley, 83 F.3d 231, 232-34 (8th Cir. 1996) (prisoner cannot use damages suit to avoid established procedures, like habeas corpus, for challenging lawfulness of fact or length of confinement).

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.