

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 04-1652

Willie Nelson,

Appellant,

v.

Sharon Rimmer, Court Clerk,
Faulkner County, Arkansas,

Appellee.

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Appeal from the United States
District Court for the Eastern
District of Arkansas.

[UNPUBLISHED]

Submitted: June 15, 2004
Filed: July 1, 2004

Before MORRIS SHEPPARD ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Willie Nelson appeals the district court's* preservice dismissal of Nelson's 42 U.S.C. § 1983 action against a court clerk, who he claimed incorrectly recorded his prison sentence. As relief, Nelson sought alteration of his sentence.

Having carefully reviewed the record, we conclude dismissal was proper. The relief Nelson sought indicates he was in effect challenging the length or duration of

*The Honorable G. Thomas Eisele, United States District Judge for the Eastern District of Arkansas.

his confinement. The sole federal remedy for a state prisoner bringing such a challenge is a petition for a writ of habeas corpus. See Preiser v. Rodriguez, 411 U.S. 475, 499-500 (1973). Nelson is free to refile his complaint as a habeas action under 28 U.S.C. § 2254 if and when he has exhausted state remedies. We affirm the district court. See 8th Cir. R. 47B.
