

United States Court of Appeals  
FOR THE EIGHTH CIRCUIT

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No. 97-1306EA

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Lem Williams, Jr.,

Appellant,

v.

Garland Nelson, State Parole Officer,  
Little Rock, Arkansas,

Appellee.

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

[UNPUBLISHED]

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Submitted: February 6, 1998  
Filed: February 20, 1998

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Before FAGG, BEAM, and HANSEN, Circuit Judges.

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PER CURIAM.

Lem Williams, Jr., filed this 42 U.S.C. § 1983 action against Garland Nelson, his former state parole officer, claiming constitutional violations in connection with Williams's parole revocation, and seeking damages and release from custody. After the entry of a clerk's default against Nelson was set aside, the district court granted Nelson's motion to dismiss, and Williams appeals. Having carefully reviewed the record and the parties' briefs, we find no abuse of discretion in the grant of relief from default, or in the denial of leave to file Williams's amended complaint. We also conclude the district court correctly granted Nelson's motion to dismiss. To the extent Williams's

claims were not barred by Heck v. Humphrey, 512 U.S. 477 (1994), Williams did not allege a compensable injury attributable to Nelson. See Heck, 512 U.S. at 487 n.7; Jones v. Moore, 986 F.2d 251, 253 (8th Cir. 1993) (per curiam). We affirm the district court but modify the judgment to a dismissal without prejudice. See Schafer v. Moore, 46 F.3d 43, 45 (8th Cir. 1995) (per curiam). Williams's motion to consolidate this appeal with his pending 28 U.S.C. § 2255 action is denied.

A true copy.

Attest:

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