

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

No. 99-2947

Robert James Knupp,

Appellant,

v.

David Hendrickson,

Appellee.

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Appeal from the United States
District Court for the
Southern District of Iowa.

[UNPUBLISHED]

Submitted: September 20, 1999

Filed: September 27, 1999

Before BEAM, LOKEN, and MORRIS SHEPPARD ARNOLD, Circuit Judges.

PER CURIAM.

Robert James Knupp appeals the district court's¹ dismissal of his 42 U.S.C. § 1983 action as time-barred and an improper challenge to his criminal conviction. After carefully reviewing the district court record and Mr. Knupp's brief, we conclude the court did not err for several reasons: (1) Mr. Knupp's action was barred by Iowa's two-year statute of limitations for personal injuries, see Wilson v. Garcia, 471 U.S. 261, 279-80 (1985) (§ 1983 actions are characterized as personal injury actions for

¹The Honorable Charles R. Wolle, Chief Judge, United States District Court for the Southern District of Iowa.

determining in federal court which state statute of limitations to borrow); Wycoff v. Menke, 773 F.2d 983, 984 (8th Cir. 1985) (applying Iowa's personal injury statute of limitations to bar § 1983 claim), cert. denied, 475 U.S. 1028 (1986); (2) Mr. Knupp brought his damages action against defendants who are protected by judicial immunity, see Mireles v. Waco, 502 U.S. 9, 11-12 (1991) (per curiam) (judicial immunity overcome only if judge takes actions not within judicial capacity or absent all jurisdiction); and (3) Mr. Knupp may not recover damages here without proving his conviction or sentence has been reversed, expunged, declared invalid, or questioned by a habeas corpus writ, see Heck v. Humphrey, 512 U.S. 477, 486-87 (1994). Therefore, we affirm pursuant to Eighth Circuit Rule 47B.

A true copy.

Attest:

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