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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

Richmond Division

RICHARD HENDERSON, JR.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO.
	)	
WILLIAM PARCELL, III,	)	
	)	
Defendant.	)	

MEMORANDUM OPINION

Plaintiff Richard Henderson, Jr., is a pre-trial detainee at the Henrico County Jail. He has brought a section 1983 action against William Parcell, III, the Commonwealth's Attorney for Henrico County. See 42 U.S.C. § 1983 (1976). Henderson asks the court to enjoin Parcell from introducing evidence of Henderson's prior convictions at trial.

The court summarily dismisses Henderson's complaint, because it does not state a valid section 1983 claim. Section 1983 covers violations of the plaintiff's rights under federal law or the Constitution. See *id.* The admissibility of evidence at a state trial, however, is strictly a matter of state law, unless admission would implicate a specific constitutional right. See *Grundler v. North Carolina*, 283 F.2d 798, 802 (4th Cir. 1960). The admission of evidence of prior convictions would not impinge on any specific constitutional guarantee. Thus, Henderson has not stated a valid section 1983 claim.

The proper route for Henderson to follow is to object to admission of the evidence at trial. If the trial judge overrules this objection, Henderson may appeal the point to the state supreme court. He also may raise the issue in any habeas corpus petitions that he later files.

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE

DATE: \_\_\_\_\_