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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

J.M., a minor by and through his next  
friend, Rafael A. Magana,

Plaintiff - Appellant,

v.

WILLIAM BRATTON; et al.,

Defendants - Appellees.

No. 07-55576

D.C. No. CV-07-00458-DDP

MEMORANDUM \*

Appeal from the United States District Court  
for the Central District of California  
Dean D. Pregerson, District Judge, Presiding

Submitted June 3, 2009\*\*  
Pasadena, California

Before: RYMER and GRABER, Circuit Judges, and ALDRICH, \*\*\* District Judge.

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

\*\*\* The Honorable Ann Aldrich, Senior United States District Judge for the Northern District of Ohio, sitting by designation.

J.M., a minor, by and through his next friend Rafael A. Magana, appeals dismissal of his § 1983 action based on false arrest. We agree with the district court that claims asserted in this action are barred on the ground of res judicata. The complaint is not saved by *Heck v. Humphrey*, 512 U.S. 477 (1994), as J.M. contends, for he never was convicted or sentenced as a result of juvenile proceedings initiated against him. Even if J.M. thought he had to wait for resolution of the juvenile proceedings, he had six months before the trial during which he could have amended the complaint. The false arrest claim could, and should, have been brought in *J.M., a minor v. William Bratton et al.*, Case No. CV05-00846-DDP. Accordingly, we affirm.

AFFIRMED.