

DEC 08 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRANK B. COCKRELL, II,

Plaintiff - Appellant,

v.

MICHAEL BRADBURY; et al.,

Defendants - Appellees.

No. 08-55163

D.C. No. CV-07-06971-CAS

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Christina A. Snyder, District Judge, Presiding

Submitted November 17, 2009**

Before: ALARCÓN, TROTT, and TASHIMA, Circuit Judges.

Frank B. Cockrell, II, a California state prisoner, appeals pro se from the district court's order dismissing his 42 U.S.C. § 1983 action as barred by *Heck v.*

* 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).

Humphrey, 512 U.S. 477 (1994). We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo a dismissal pursuant to 28 U.S.C. § 1915(e). *Huftile v. Miccio-Fonseca*, 410 F.3d 1136 (9th Cir. 2005). We affirm.

The district court properly dismissed the action alleging that the defendants engaged in a conspiracy leading to Cockrell's criminal convictions because judgment in Cockrell's favor would necessarily imply the invalidity of those convictions, and Cockrell has failed to demonstrate that his convictions have been invalidated. *See Heck*, 512 U.S. at 487.

Cockrell's remaining contentions are unpersuasive.

AFFIRMED.