

JAN 11 2010

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PEDRO CARVAJAL,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>LOS ANGELES POLICE DEPARTMENT,</p> <p style="text-align: center;">Defendant - Appellee.</p>

No. 08-56182

D.C. No. 2:08-cv-03431-UA-CW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Alicemarie H. Stotler, Chief District Judge, Presiding

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

Pedro Carvajal, a California state prisoner, appeals pro se from the district court's order denying his request to proceed in forma pauperis. We have

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

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

jurisdiction pursuant to 28 U.S.C. § 1291. We review for an abuse of discretion, *O’Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990), and we affirm.

The district court did not abuse its discretion by denying Carvajal’s request to proceed in forma pauperis because it appears from the face of the complaint that the action is *Heck*-barred. *See Heck v. Humphrey*, 512 U.S. 477, 487 (1994) (concluding that an action is not cognizable under § 1983 if “a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence . . . unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated”); *see also Minetti v. Port of Seattle*, 152 F.3d 1113, 1115 (9th Cir. 1998) (per curiam) (concluding that the district court did not abuse its discretion by denying in forma pauperis application where plaintiff lacked standing, and complaint was barred by res judicata and judicial immunity).

Carvajal’s remaining contentions are unpersuasive.

AFFIRMED.