

MAR 29 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

MICHAEL WOODMORE,

Plaintiff - Appellant,

v.

STATE BAR CHIEF TRIAL COUNSEL,
individual; et al.,

Defendants - Appellees.

No. 09-55623

D.C. No. 2:09-cv-01692-UA-AGR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Audrey B. Collins, Chief District Judge, Presiding

Submitted March 16, 2010**

Before: SCHROEDER, PREGERSON, and RAWLINSON, Circuit Judges.

Michael Woodmore, a California state prisoner, appeals pro se from the district court's order denying his request to proceed without prepayment of the filing fee. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse

* 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).

of discretion, *Tripati v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1369 (9th Cir. 1987), and we affirm.

The district court did not abuse its discretion by denying Woodmore'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 42 U.S.C. § 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 Tripati*, 821 F.2d at 1370 ("A district court may deny leave to proceed in forma pauperis at the outset if it appears from the face of the proposed complaint that the action is frivolous or without merit.").

Woodmore's motion for appointment of counsel is denied.

AFFIRMED.