

OCT 06 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

\_\_\_\_\_  
THERON N. LYNCH,

Plaintiff - Appellant,

v.

ALAMEDA COUNTY; et al.,

Defendants - Appellees.  
\_\_\_\_\_

No. 09-15192

D.C. No. 4:08-cv-05424-PJH

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Phyllis J. Hamilton, District Judge, Presiding

Submitted September 13, 2010\*\*

Before: SILVERMAN, CALLAHAN, and N.R. SMITH, Circuit Judges.

Theron N. Lynch, a California state prisoner, appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging that the abstract of judgment for his sentence is incorrect and requires him to serve his full sentence. We have jurisdiction under 28 U.S.C. § 1291. We review de novo.

---

\* 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).

*Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed the action as *Heck*-barred because a judgment in Lynch's favor "would necessarily imply the invalidity of his . . . sentence," and Lynch has not demonstrated that his sentence has already been invalidated. *Heck v. Humphrey*, 512 U.S. 477, 487 (1994).

**AFFIRMED.**