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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>SCOTT ANTHONY BACKUS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>JAMIE GISSEL, Mesa Police Officer #16414,</p> <p>Defendant - Appellee.</p>
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No. 10-17660

D.C. No. 2:08-cv-02320-GMS

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
G. Murray Snow, District Judge, Presiding

Submitted November 13, 2012**

Before: CANBY, TROTT, and W. FLETCHER, Circuit Judges.

Arizona state prisoner Scott Anthony Backus appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations arising from his arrest. We have jurisdiction under 28 U.S.C. § 1291.

* 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).

We review de novo, *Whitaker v. Garcetti*, 486 F.3d 572, 579 (9th Cir. 2007), and we affirm.

The district court dismissed Backus's § 1983 claims for false arrest and malicious prosecution as *Heck*-barred. *See Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994) (a constitutional claim that necessarily implies the invalidity of a conviction cannot be brought under § 1983 unless the conviction has already been invalidated); *Szajer v. City of Los Angeles*, 632 F.3d 607, 611 (9th Cir. 2011) (a claim alleging an illegal search and seizure of evidence that was used to secure a conviction necessarily implies the invalidity of that conviction).

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009) (per curiam).

Backus's request for a waiver of requirements is denied as moot.

AFFIRMED.