

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 26 2023

FOR THE NINTH CIRCUIT

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

ROSENDO BUENO,

No. 22-15126

Plaintiff-Appellant,

D.C. No. 1:21-cv-01522-DAD-SAB

v.

MEMORANDUM*

CHRISTIAN PFEIFFER, Warden; T.
JACKSON, Associate Warden; R.
VELASCO, Lieutenant and Senior Hearing
Officer; A. MARTINEZ, Lieutenant &
Senior Hearing Officer,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Submitted January 18, 2023**

Before: GRABER, PAEZ, and NGUYEN, Circuit Judges.

California state prisoner Rosendo Bueno appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging due process

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

violations arising out of two disciplinary hearings. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court’s dismissal under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Bueno’s action as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), because Bueno challenged the disciplinary charges and the resulting loss of good-time credits, but he failed to allege facts sufficient to show that the disciplinary charges, including the loss of good-time credits, had been invalidated. *See Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005) (“[A] prisoner in state custody cannot use a § 1983 action to challenge the fact or duration of his confinement,” but “must [instead] seek federal habeas corpus relief[.]” (citation and internal quotation marks omitted)); *Edwards v. Balisok*, 520 U.S. 641, 645-46 (1997) (challenge to loss of good-time credits not cognizable under § 1983).

AFFIRMED.