

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 23 2024

FOR THE NINTH CIRCUIT

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

FELIPE ROMAN HOLGUIN,

No. 23-15758

Plaintiff-Appellant,

D.C. No. 1:21-cv-01586-JLT-GSA

v.

MEMORANDUM*

MADERA COUNTY JAIL CAPTAIN 2015;
LUZ, Correctional Officer at Madera County
Jail; TOWNSEN, Officer at Madera County
Jail,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Jennifer L. Thurston, District Judge, Presiding

Submitted July 16, 2024**

Before: SCHROEDER, VANDYKE, and KOH, Circuit Judges.

California state prisoner Felipe Roman Holguin appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations at the jail where Holguin was housed as a pretrial

* 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).

detainee. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Wilhelm v. Rotman*, 680 F.3d 1113, 1118 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915A); *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)). We affirm.

The district court properly dismissed Holguin’s constitutional claims relating to his criminal proceedings as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), because success on these claims would necessarily imply the validity of his conviction or sentence, and Holguin failed to allege facts sufficient to show that his conviction has been invalidated. *See Heck*, 512 U.S. at 487 (if “a judgment in favor of the plaintiff would necessarily imply the invalidity of his conviction or sentence . . . the complaint must be dismissed unless the plaintiff can demonstrate that the conviction or sentence has already been invalidated”); *Thornton v. Brown*, 757 F.3d 834, 842 (9th Cir. 2013) (“[P]risoner may challenge the ‘fact’ or ‘duration’ of imprisonment only through a habeas proceeding.” (citations omitted)).

The district court properly dismissed Holguin’s remaining claims as time-barred because Holguin failed to file his action within the statute of limitations even with the benefit of statutory tolling, and he failed to allege circumstances that justified equitable tolling or equitable estoppel. *See Soto v. Sweetman*, 882 F.3d 865, 870-71 (9th Cir. 2018) (explaining that courts apply federal law to determine

claim accrual and “apply the state statute of limitations from personal-injury claims and borrow the state’s tolling rules”); *see also* Cal. Civ. Proc. Code §§ 335.1, 352.1(a) (setting forth two-year statute of limitations for personal injury claims and a two-year maximum statutory tolling due to imprisonment); *Lukovsky v. City & County of San Francisco*, 535 F.3d 1044, 1051-52 (9th Cir. 2008) (discussing requirements for equitable estoppel under California law); *Fink v. Shedler*, 192 F.3d 911, 916 (9th Cir. 1999) (discussing requirements for equitable tolling under California law).

All pending requests and motions are denied.

AFFIRMED.