

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 23 2024

FOR THE NINTH CIRCUIT

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

CLIFTON WILLIAMS, Jr.,

No. 23-15454

Plaintiff-Appellant,

D.C. No. 1:22-cv-00032-AWI-BAM

v.

MEMORANDUM*

PEOPLE OF THE STATE OF
CALIFORNIA; COUNTY OF
STANISLAUS DISTRICT ATTORNEY'S
OFFICE; P. HOGAN; PUBLIC
DEFENDER'S OFFICE,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, District Judge, Presiding

Submitted September 17, 2024**

Before: WARDLAW, BADE, and H.A. THOMAS, Circuit Judges.

California state prisoner Clifton Williams, Jr. appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional

* 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).

claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the 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 Williams's action as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), because success on Williams's claims would necessarily imply the validity of his conviction or sentence, and Williams has not demonstrated 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").

Williams's motion for appointment of counsel (Docket Entry No. 3) is denied.

AFFIRMED.