

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 12 2026

FOR THE NINTH CIRCUIT

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

THOMAS TARBUTTON,

Plaintiff - Appellant,

v.

UNITED STATES OF AMERICA; JESSIE MURRAY, FBI Agent; JOHN DOE 1, Federal Agent; individual; JOHN DOE 2, Panama Law Enforcement, individual; JOHN DOE 3, Panama Law Enforcement, individual; SIVA SAAVEDRA, Panama Law Enforcement, individual; PETE PIERCE, Senior Deputy DA: individual and official capacity; DAVE MELNYK, Investigator with the OCDA, individual and official capacity; ORANGE COUNTY DISTRICT ATTORNEY, individual, official capacity; LANCE JENSEN, Judge Superior Court, individual; JERRY SCHAFFER, Trial Defense Attorney, individual; VALERIE WASS, State appointed appellate attorney, individual and official capacity; ALVARO MEJIA, Panama Law Enforcement, individual; APPELLATE DEFENDERS, INC., state appellate project, official capacity,

No. 24-4657

D.C. No. 8:24-cv-01084-FMO-AS

MEMORANDUM*

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

Defendants - Appellees.

Appeal from the United States District Court
for the Central District of California
Fernando M. Olguin, District Judge, Presiding

Submitted April 22, 2026**

Before: LEE, DESAI, and JOHNSTONE, Circuit Judges.

Thomas Tarbutton appeals pro se from the district court's judgment denying him in forma pauperis status and dismissing his action alleging various violations of the Constitution, federal laws, and state statutes by individuals involved in his arrest and state criminal proceedings. We have jurisdiction under 28 U.S.C. § 1291. We review for an abuse of discretion the denial of in forma pauperis status. *O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). We affirm.

The district court did not abuse its discretion in denying Tarbutton in forma pauperis status because Tarbutton's action is barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). *See Edwards v. Balisok*, 520 U.S. 641, 647-48 (1997) (explaining that claims that a judicial decisionmaker is biased are *Heck*-barred); *Cabrera v. City of Huntington Park*, 159 F.3d 374, 380 (9th Cir. 1998) (explaining that claims based on lack of probable cause for an arrest and imprisonment are *Heck*-barred);

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

Trimble v. City of Santa Rosa, 49 F.3d 583, 584-85 (9th Cir. 1995) (explaining that ineffective assistance of counsel claims are *Heck*-barred).

We do not consider matters not specifically and distinctly raised and argued in the opening brief, or arguments and allegations raised for the first time on appeal. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

AFFIRMED.