

NOT FOR PUBLICATION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

GREGORY SCOTT VAN HUISEN,

Plaintiff - Appellant,

v.

PATRICK COVELLO; MACOMBER,

Defendants - Appellees.

No. 25-1024

D.C. No. 2:24-cv-02905-TLN-AC

MEMORANDUM*

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

Submitted April 22, 2026**

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

California state prisoner Gregory Scott Van Huisen appeals pro se from the district court's judgment dismissing Van Huisen's 42 U.S.C. § 1983 action challenging his continued incarceration. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915A for failure to

* 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).

state a claim. *Mangiaracina v. Penzone*, 849 F.3d 1191, 1195 (9th Cir. 2017). We affirm.

The district court properly dismissed Van Huisen's action because Van Huisen sought to challenge the fact or duration of his confinement and thus was required to seek relief through a habeas corpus proceeding. *See Wilkinson v. Dotson*, 544 U.S. 74, 78 (2005) (explaining that a prisoner in state custody cannot use a § 1983 action to challenge the fact or duration of his confinement but must instead seek habeas corpus relief).

All pending motions and requests are denied.

AFFIRMED.