

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 16 2020

FOR THE NINTH CIRCUIT

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

JAMBRI SEAN JOHNSON, Sr.,

No. 19-16454

Plaintiff-Appellant,

D.C. No. 3:19-cv-03500-WHA

v.

MEMORANDUM\*

EDMUND G. BROWN, Jr.; et al.,

Defendants-Appellees.

Appeal from the United States District Court  
for the Northern District of California  
William Alsup, District Judge, Presiding

Submitted April 7, 2020\*\*

Before: TASHIMA, BYBEE, and WATFORD, Circuit Judges.

California state prisoner Jambri Sean Johnson, Sr., appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging wrongful conviction and conspiracy 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.

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\* 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).

*Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Johnson's action as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994), because success would necessarily imply the invalidity Johnson's conviction or sentence, and Johnson failed to allege facts sufficient to show that his conviction or sentence has 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).

We do not consider 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.**