

1 It appears that, if successful in this action, the restoration of Plaintiff's good time and work
2 time credits may lead to his earlier release. When a prisoner challenges the legality or duration of
3 his custody, or raises a constitutional challenge which could entitle him to an earlier release, his
4 sole federal remedy is a writ of habeas corpus. *Preiser v. Rodriguez*, 411 U.S. 475 (1973); *Young*
5 *v. Kenny*, 907 F.2d 874 (9th Cir. 1990), cert. denied 11 S.Ct. 1090 (1991). Moreover, when
6 seeking damages for an allegedly unconstitutional conviction or imprisonment, "a § 1983 plaintiff
7 must prove that the conviction or sentence has been reversed on direct appeal, expunged by
8 executive order, declared invalid by a state tribunal authorized to make such determination, or
9 called into question by a federal court's issuance of a writ of habeas corpus, 28 U.S.C. § 2254."
10 *Heck v. Humphrey*, 512 U.S. 477, 487-88 (1994); *Edwards v. Balisok*, 520 U.S. 641, 648 (1997).
11 "A claim for damages bearing that relationship to a conviction or sentence that has not been so
12 invalidated is not cognizable under § 1983." *Heck*, at 488.

13 The Complaint does not contain any allegations to show that the RVR, which Plaintiff
14 alleges is false and retaliatory, has been reversed, expunged, declared invalid, or called into
15 question by a writ of habeas corpus.

16 Accordingly, it is HEREBY ORDERED that within **30 days** from the date of service of
17 this order, Plaintiff shall show cause in writing why this action should not be dismissed as barred
18 by *Heck v. Humphrey*, 512 U.S. 477 (1994).

19 **The failure to respond to this order will result in dismissal of this action, without**
20 **prejudice.**

21
22 IT IS SO ORDERED.

23 Dated: May 30, 2014

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE