

1 question by a federal court's issuance of a writ of habeas corpus, 28 U.S.C. § 2254." *Heck v.*
2 *Humphrey*, 512 U.S. 477, 487-88 (1994). "A claim for damages bearing that relationship to a
3 conviction or sentence that has not been so invalidated is not cognizable under § 1983." *Id.* at
4 488.

5 The Complaint does not contain any allegations to show that Plaintiff's detention order has
6 been reversed, expunged, declared invalid, or called into question by a writ of habeas corpus. It
7 appears that Plaintiff's intent in filing this action is for habeas corpus relief rather than to pursue
8 claims under § 1983.

9 Accordingly, it is HEREBY ORDERED that within **twenty-one (21) days** from the date
10 of service of this order, Plaintiff shall show cause in writing why this action should not be
11 dismissed as barred by *Heck v. Humphrey*, 512 U.S. 477 (1994). **The failure to respond to this**
12 **order will result in dismissal of this action, without prejudice.**

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14 IT IS SO ORDERED.

15 Dated: January 3, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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