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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMILCAR GUEVARA,

Plaintiff,

No. 2:09-cv-1132 FCD KJN P

vs.

A. RALLS, et al.,

Defendants.

ORDER TO SHOW CAUSE

_____/

Plaintiff is a state prisoner proceeding without counsel. On May 4, 2011, this court issued findings and recommendations recommending that plaintiff's excessive force claims against defendants Scruggs, Ramirez and McCarvel be barred under Heck v. Humphrey, 512 U.S. 477 (1994). It appears that plaintiff's claims against defendant A. Ralls are also based on facts implicating plaintiff's conviction for Resisting Staff Resulting in the Use of Force for rules violation Log No. C07-04-101, stemming from the April 30, 2007 incident, and thus are similarly barred under Heck. Accordingly, plaintiff is ordered to show cause, if any he may have, why his claims against defendant Ralls are not also barred under Heck, and why, in light of the Heck bar, this action should not be dismissed without prejudice.

Accordingly, IT IS HEREBY ORDERED that:

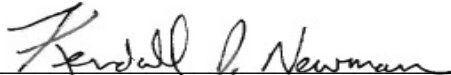
1. Within twenty-one days from the date of this order, plaintiff shall show cause,

1 if any he has, why his claims against defendant A. Ralls are not barred under Heck v. Humphrey,
2 512 U.S. 477 (1994); and

3 2. Defendant Ralls shall file a reply, if any, seven days thereafter.

4 DATED: May 10, 2011

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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