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

JASON ERIC SONNTAG,

No. CIV S-09-1224-CMK-P

Plaintiff,

vs.

ORDER

NEVADA COUNTY, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, a Nevada state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pursuant to the written consented of all parties, this case was assigned to the undersigned as the presiding judge for all purposes, including entry of final judgment. See 28 U.S.C. § 636(c).

The matter was referred to the undersigned by the Ninth Circuit Court of Appeals to certify whether the appeal is taken in good faith. See 28 U.S.C. § 1915(a)(3). Having reviewed the entire file, the court concludes that the appeal is taken in good faith. The court granted the defendants’ motion to dismiss this action for plaintiff’s failure to state a claim upon which relief can be granted, based on the decision of Heck v. Humphrey, 512 U.S. 477 (1994). Plaintiff failed to address the issue in his opposition to the motion to dismiss. To the extent

1 plaintiff's claim is not based on his underlying conviction, his appeal would be in good faith.  
2 Thus, providing plaintiff the benefit of doubt, the undersign will certify the appeal is in good  
3 faith.

4 Accordingly, IT IS HEREBY ORDERED that:

- 5 1. This appeal is taken in good faith; and
- 6 2. The Clerk of the Court is directed to serve a copy of this order on the Pro  
7 Se Unit at the Ninth Circuit Court of Appeals.

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10 DATED: November 1, 2011

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12 **CRAIG M. KELLISON**  
13 UNITED STATES MAGISTRATE JUDGE  
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