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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JON HUMES,
Plaintiff,
v.
HARMON, et al.,
Defendants.

No. 2:18-cv-0426 JAM CKD P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a California prisoner proceeding pro se with a claim arising under the Fourth Amendment. The remaining defendant is Sacramento Police Detective Craig Harmon. Plaintiff alleges Harmon falsely arrested him on February 22, 2017 for failing to register as a sex offender.

Defendant Harmon asks that this matter be stayed until criminal proceedings related to the allegedly false arrest are complete. Defendant notes correctly that if plaintiff is convicted, the claim remaining in this case will most likely be barred by Heck v. Humphrey, 512 U.S. 477 (1994), where the Supreme Court found that a prisoner cannot proceed on a claim for damages if a favorable outcome on that claim would imply the invalidity of his conviction. Id. at 487. In light of the potential Heck-bar, the court will recommend that the motion for a stay be granted.

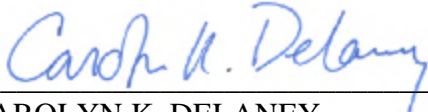
Accordingly, IT IS HEREBY RECOMMENDED that defendant Harmon’s motion for a stay (ECF No. 29) be granted.

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These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that failure to file objections within the specified time waives the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: November 13, 2018



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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