

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Gregory Brown v. City and County of San Francisco, et al.

Brown · No. 25-cv-06667-WHO (PR) · Decided December 9, 2025

OPINION

Brown

PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF CALIFORNIA

3 4 GREGORY BROWN, Case No. 25-cv-06667-WHO (PR) Plaintiff, 5

ORDER OF DISMISSAL

v. 6

7 CITY AND COUNTY OF SAN

FRANCISCO, et al., 8 Defendants. 9

10 INTRODUCTION

11 Heck v. Humphrey, 512 U.S. 477, 486-487 (1994), bars claims brought under 42 U.S.C. §
12 1983 that, if successful, would appear to invalidate a conviction or sentence that 13 has not
14 already been reversed on direct appeal, expunged by executive order, declared 14 invalid by a
15 state tribunal authorized to make such determination, or called into question 15 by a federal
16 court's issuance of a writ of habeas corpus. Here, plaintiff Gregory Brown 16 brings suit under 42
17 U.S.C. § 1983 against several state actors for allegedly violating his 17 federal constitutional
18 rights in securing his criminal convictions and challenging his 18 resentencing petitions. Brown is
19 incarcerated and his complaint does not indicate that his 19 conviction or sentence has been
20 invalidated or reversed. As a result, Heck precludes his 20 federal civil rights action. This action is
DISMISSED.

21 BACKGROUND

22 Brown, a California state prisoner, is serving a sentence of 56 years to life for his 23 1995 state
24 convictions for conspiracy to commit murder and attempted murder. People v. 24 Brown, No.
25 A157170, 2020 WL 6482333 at *1 (Cal. Ct. App. Nov. 4, 2020). His appeals 25 and petitions for
26 resentencing have been denied. (Compl., Dkt. No. 1 at 1-9.) He now 26 brings suit against the
27 City and County of San Francisco, Floyd Andrews, an assistant 27 district attorney, Allison
28 Macbeth, an assistant district attorney, Alex Bernstein, an assistant 1 attorney, Claudia Phillips, a
2 deputy attorney general, Brooke Jenkins, district attorney of 2 San Francisco, and Rob Bonta, the
3 Attorney General of California, for allegedly violating 3 his federal constitutional rights in
4 securing his 1995 criminal convictions and for opposing 4 his attempts to have his convictions and

sentence overturned or reduced.

5 DISCUSSION

6 A. Standard of Review 7 In its initial review of this pro se complaint, this Court must dismiss any claim that 8 is frivolous or malicious, or fails to state a claim on which relief may be granted, or seeks 9 monetary relief against a defendant who is immune from such relief. See 28 U.S.C. 10 § 1915(e). Pro se pleadings must be liberally construed. See *Balistreri v. Pacifica Police* 11 Dep’t, 901 F.2d 696, 699 (9th Cir. 1988). 12 A “complaint must contain sufficient factual matter, accepted as true, to ‘state a 13 claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) 14 (quoting *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). “A claim has facial 15 plausibility when the plaintiff pleads factual content that allows the court to draw the 16 reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* (quoting 17 *Twombly*, 550 U.S. at 556). Furthermore, a court “is not required to accept legal 18 conclusions cast in the form of factual allegations if those conclusions cannot reasonably 19 be drawn from the facts alleged.” *Clegg v. Cult Awareness Network*, 18 F.3d 752, 754–55 20 (9th Cir. 1994). 21 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential 22 elements: (1) that a right secured by the Constitution or laws of the United States was 23 violated, and (2) that the alleged violation was committed by a person acting under the 24 color of state law. See *West v. Atkins*, 487 U.S. 42, 48 (1988). 25 B. Legal Claims 26 In order to recover damages for an allegedly unconstitutional conviction or 27 imprisonment, or for other harm caused by actions whose unlawfulness would render a 1 || or sentence has been reversed on direct appeal, expunged by executive order, declared 2 || invalid by a state tribunal authorized to make such determination, or called into question 3 || by a federal court’s issuance of a writ of habeas corpus. *Heck*, 512 U.S. at 486-487. A 4 || claim for damages bearing that relationship to a conviction or sentence that has not been so 5 || invalidated is not cognizable under section 1983. *Id.* at 487. 6 Accordingly, where a state prisoner seeks damages in a section 1983 suit, the 7 || district court must consider whether a judgment in favor of the plaintiff would necessarily 8 || imply the invalidity of his conviction or sentence. If it would, the complaint must be 9 || dismissed unless the plaintiff can demonstrate that the conviction or sentence has been 10 || invalidated. *Jd.* at 487. 11 In this case, a judgment that defendants violated Brown’s constitutional rights in 2 connection with his convictions and sentence would necessarily imply the invalidity of his 5 13 || conviction or sentence. Because it is not clear from the complaint that his convictions S 14 || have not been invalidated in any of the ways specified in *Heck*, this section 1983 action is 3 15 || barred by *Heck*. As a result, the action will be dismissed.

a 16 CONCLUSION

3 17 This federal civil rights action is DISMISSED. The Clerk shall enter judgment in 18 favor of defendants, and close the file. 19 The filing fee has been paid. (Dkt. No. 6.) 20 IT IS SO ORDERED. 21 || Dated: December 9, 2025 “VQe 22 Yo .

LLIAM H. ORRICK

23 United States District Judge 24 25 26 27 28

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