

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 07 2009

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

QIAN CHEN,

Plaintiff - Appellant,

v.

RICARDO S. MARTINEZ, United States  
District Judge,

Defendant - Appellee.

No. 08-35398

D.C. No. 2:08-cv-00427-RSL

MEMORANDUM\*

Appeal from the United States District Court  
for the Western District of Washington  
Robert S. Lasnik, Chief Judge, Presiding

Submitted June 16, 2009\*\*

Before: PAEZ, TALLMAN, and N.R. SMITH, Circuit Judges.

Qian Chen appeals pro se from the district court's judgment dismissing pursuant to 28 U.S.C. § 1915(e)(2)(B) his action under *Bivens v. Six Unknown*

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

*Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against a district court judge. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Huftile v. Miccio-Fonseca*, 410 F.3d 1136, 1138 (9th Cir. 2005), and we affirm.

The district court properly dismissed the action because Judge Martinez is entitled to absolute judicial immunity for his decisions in Chen's prior lawsuit against the University of Washington. *See Moore v. Brewster*, 96 F.3d 1240, 1243-44 (9th Cir. 1996) (explaining that federal judges are entitled to immunity for judicial acts taken within their jurisdiction).

**AFFIRMED.**