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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DAVID B. JOHNSON,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>M. CRUTCHFIELD; et al.,</p> <p>Defendants - Appellees.</p>
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No. 08-16482

D.C. No. 1:05-cv-00351-AWI-DLB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Anthony W. Ishii, Chief District Judge, Presiding

Submitted December 15, 2009**

Before: GOODWIN, WALLACE, and CLIFTON, Circuit Judges.

California state prisoner David B. Johnson appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action alleging that the

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

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

defendants fired him from his prison job and disciplined him in retaliation for his grievance activity. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Bruce v. Ylst*, 351 F.3d 1283, 1287 (9th Cir. 2003). We affirm.

The district court properly granted summary judgment because Johnson failed to raise a triable issue as to whether the defendants' conduct was based on retaliatory motive, rather than legitimate penological goals. *See id.* at 1288–89 (setting forth requirements of retaliation claim and noting that the “plaintiff bears the burden of pleading and proving the absence of legitimate correctional goals for the conduct of which he complains”) (citation and internal quotation marks omitted).

Johnson's remaining contentions are unpersuasive.

AFFIRMED.