

MAR 02 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OTIS RAY GLENN,

Plaintiff - Appellant,

v.

JOSEPH MCGRATH, Warden; et al.,

Defendants - Appellees.

No. 09-15000

D.C. No. 3:08-cv-03908-CRB

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Charles R. Breyer, District Judge, Presiding

Submitted February 16, 2010**

Before: FERNANDEZ, GOULD, and M. SMITH, Circuit Judges.

Otis Ray Glenn, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging that prison

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

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

officials denied him due process in connection with the administrative review of a rules violation report. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly concluded that Glenn's complaint failed to state a claim because prisoners "lack a separate constitutional entitlement to a specific prison grievance procedure." *Ramirez v. Galaza*, 334 F.3d 850, 860 (9th Cir. 2003). Moreover, to the extent that Glenn challenges the 2002 rules violation report, his challenge is time-barred. *See Jones v. Blanas*, 393 F.3d 918, 927 (9th Cir. 2004) (explaining that in section 1983 actions courts apply the forum state's statute of limitations for personal injury actions, and noting California's two-year statute of limitations for personal injury claims).

Glenn's remaining contentions are unpersuasive.

Glenn's request for appointment of counsel is denied.

AFFIRMED.