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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CLYDE KENNETH DAVIS,  
  
Plaintiff - Appellant,  
  
v.  
  
NAVORRO, Sergeant; et al.,  
  
Defendants - Appellees.

No. 09-15611

D.C. No. 3:06-cv-04560-PJH

MEMORANDUM\*

Appeal from the United States District Court  
for the Northern District of California  
Phyllis J. Hamilton, District Judge, Presiding

Submitted May 25, 2010\*\*

Before: CANBY, THOMAS, and W. FLETCHER, Circuit Judges.

Clyde Kenneth Davis, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging that defendants interfered with his access to courts. We have jurisdiction under 28

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

U.S.C. § 1291. We review de novo. *Barnett v. Centoni*, 31 F.3d 813, 815 (9th Cir. 1994) (per curiam). We affirm.

The district court properly dismissed Davis’s action because the amended complaint failed to allege facts suggesting that he suffered an actual injury as a result of defendants’ alleged actions. *See Lewis v. Casey*, 518 U.S. 343, 348 (1996) (explaining that “actual injury” is “actual prejudice with respect to contemplated or existing litigation, such as the inability to meet a filing deadline or to present a claim”) (citation and internal quotation marks omitted); *see also Miller v. Yokohama Tire Corp.*, 358 F.3d 616, 622 (9th Cir. 2004) (“Where the plaintiff has previously filed an amended complaint . . . the district court’s discretion to deny leave to amend is particularly broad.”) (citation and internal quotation marks omitted).

Davis’s remaining contentions are unpersuasive.

**AFFIRMED.**