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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

JOSEPH DANNY PROPHET,

Plaintiff - Appellant,

v.

DEPARTMENT OF CORRECTIONS; et
al.,

Defendants - Appellees.

No. 09-15804

D.C. No. 2:06-cv-02822-FCD-
EFB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Frank C. Damrell, Jr., District Judge, Presiding

Submitted May 25, 2010**

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

Joseph Danny Prophet, a California state prisoner, appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging that

* 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).

prison personnel violated his First, Eighth, and Fourteenth Amendment rights. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Prophet's second amended complaint because he failed to state a cognizable claim against any defendant. *See Lewis v. Casey*, 518 U.S. 343, 354-55 (1996) (a prisoner's right to access the courts is limited to the pursuit of a non-frivolous claim concerning his conviction or conditions of confinement); *Farmer v. Brennan*, 511 U.S. 825, 847 (1994) (“[A] prison official may be held liable under the Eighth Amendment for denying humane conditions of confinement only if he knows that inmates face a substantial risk of serious harm and disregards that risk by failing to take reasonable measures to abate it.”); *Barnett v. Centoni*, 31 F.3d 813, 816-17 (9th Cir. 1994) (per curiam) (a prisoner's allegations of property deprivations failed to state a due process claim under section 1983 because California provides an adequate post-deprivation remedy).

Prophet's remaining contentions are unpersuasive.

AFFIRMED.