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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>HAROLD L. ARMSTRONG,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>KEATING,</p> <p>Defendant - Respondent.</p>
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No. 08-17214

D.C. No. 2:06-CV-01447-LKK-
GGH

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence K. Karlton, District Judge, Presiding

Submitted May 25, 2010**

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

Harold L. Armstrong, a California state prisoner, appeals pro se from the district court's summary judgment in 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).

defendant improperly withdrew exempt funds from his trust account to pay restitution in connection with his criminal case. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Valdez v. Rosenbaum*, 302 F.3d 1039, 1043 (9th Cir. 2002), and we affirm.

The district court properly granted summary judgment for defendant because Armstrong failed to raise a triable issue as to whether the funds in his account were exempt from withdrawal for restitution or whether defendant was personally involved in withdrawing the funds. *See Nilsson v. City of Mesa*, 503 F.3d 947, 952 n.2 (9th Cir. 2007) (explaining that a “conclusory, self-serving affidavit, lacking detailed facts and any supporting evidence, is insufficient to create a genuine issue of material fact” (internal quotation marks and citation omitted)); *Jones v. Williams*, 297 F.3d 930, 934 (9th Cir. 2002) (“In order for a person acting under color of state law to be liable under section 1983 there must be a showing of personal participation in the alleged rights deprivation . . .”).

Armstrong’s remaining contentions are unpersuasive.

AFFIRMED.