

AUG 26 2010

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KENDEL VANCE JENSEN and AMBER JENSEN,</p> <p style="text-align: center;">Plaintiffs - Appellants,</p> <p style="text-align: center;">v.</p> <p>KELLEY DOUGLAS; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>
--

No. 09-16121

D.C. No. 3:07-cv-08119-SMM

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Stephen M. McNamee, District Judge, Presiding

Submitted August 10, 2010**

Before: HAWKINS, McKEOWN, and IKUTA, Circuit Judges.

Kendel Vance and Amber Jensen appeal pro se from the district court’s judgment dismissing their 42 U.S.C. § 1983 action alleging injuries arising from child dependency proceedings. We have jurisdiction under 28 U.S.C. § 1291.

* 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). Accordingly, the Jensens’ request for oral argument is denied.

We review de novo. *Peterson v. California*, 604 F.3d 1166, 1169 (9th Cir. 2010).

We affirm.

The district court properly dismissed the action against defendant Harris, a private attorney appointed by the court to represent Amber Jensen in the child dependency proceedings, because he did not act under color of state law. *See Polk County v. Dodson*, 454 U.S. 312, 318 n.7 (1981) (noting that a private attorney, even one appointed by the court, does not act under the color of state law for purposes of 42 U.S.C. § 1983 when performing the traditional role of an attorney).

The Jensens' remaining contentions are unpersuasive.

AFFIRMED.