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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NOT FOR PUBLICATION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>
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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.

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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). 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.**