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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>STEVEN DANIEL FORCE,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>MELVIN HUNTER; et al.,</p> <p>Defendants - Appellees.</p>
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No. 09-56294

D.C. No. 2:05-cv-02534-SGL-RZ

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Stephen G. Larson, District Judge, Presiding

Submitted September 22, 2010**

Before WALLACE, HAWKINS and THOMAS, Circuit Judges.

Steven Daniel Force (“Force”), a former civil detainee at Atascadero State Hospital (“ASH”) under California’s Sexually Violent Predator Act, appeals pro se the district court’s adverse summary judgment and its order dismissing Force’s

* 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).

state law claims in his 42 U.S.C. § 1983 action challenging a decision by ASH officials denying him visits from his minor niece and nephews.

The district court properly granted summary judgment for defendants because ASH's policy barring visits from minor children within the age and gender profiles of a civil detainee's former victims is a legitimate, non-punitive governmental interest. *See Jones v. Blanas*, 393 F.3d 918, 932 (9th Cir. 2004) (civil detainees are subject to "[l]egitimate, non-punitive government interests" such as "maintaining jail security, and effective management of [the] detention facility").

The district court properly dismissed Force's California state law claims for failure to present a claim under California Civil Code §§ 910 et seq. *See* Cal. Civ. Code § 945.4 (prohibiting suits against California public entities for money damages unless plaintiff complies with California's civil claims procedure); *Ovando v. County of Los Angeles*, 71 Cal. Rptr. 3d 415, 432 (Cal. App. 2008) ("A plaintiff suing the state or a local public entity must allege facts demonstrating either compliance with the claim presentation requirement or an excuse for noncompliance as an essential element of the cause of action.").

Force's remaining contentions are unpersuasive.

AFFIRMED.