

DEC 16 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>LARRY SYNCLAIR, SR., individually<br/>and as a parent of Larry Synclair, Jr., a<br/>minor,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>COUNTY OF FRESNO; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p> |
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No. 09-15337

D.C. No. 1:01-cv-06546-AWI-  
DLB

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
Anthony W. Ishii, Chief District Judge, Presiding

Submitted December 14, 2010 \*\*

Before: GOODWIN, WALLACE, and THOMAS, Circuit Judges.

Larry Synclair, Sr., appeals pro se from the district court's summary judgment in his 42 U.S.C. § 1983 action claiming that defendants violated his

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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).

Fourteenth Amendment rights to procedural and substantive due process when they did not take steps to contact federal officials in connection with the alleged international parental abduction of his son. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Aguilera v. Baca*, 510 F.3d 1161, 1167 (9th Cir. 2007), and we affirm.

The district court properly granted summary judgment to defendants because Synclair’s interest in enforcing a custody order did not rise to the level of an entitlement protected by the Due Process Clause. The enforcement action Synclair sought to bring was not sufficiently specific and the defendant government officials had discretion to deny enforcement. *See Town of Castle Rock, Colo. v. Gonzales*, 545 U.S. 748, 756 (2005) (explaining that “a benefit is not a protected entitlement if government officials may grant or deny it in their discretion.”); *see also United States v. Wilkerson*, 208 F.3d 794, 800 (9th Cir. 2000) (describing the broad discretion prosecutors are afforded over decisions to investigate or pursue criminal charges).

**AFFIRMED.**