

DEC 27 2010

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>ENRIQUE DIAZ,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p>v.</p> <p>B. COLL; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 09-16566

D.C. No. 1:02-cv-06353-OWW-WMW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted December 14, 2010**

Before: GOODWIN, WALLACE, and W. FLETCHER, Circuit Judges.

Enrique Diaz, a California state prisoner, appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations in connection with disciplinary proceedings and his classification. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Resnick v. Hayes*,

* 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).

213 F.3d 443, 447 (9th Cir. 2000), and we may affirm on any basis supported by the record, *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008). We affirm.

The district court properly dismissed Diaz’s claims because Diaz has not alleged that his confinement, whether administrative or disciplinary, presented “the type of atypical, significant deprivation [that] might conceivably create a liberty interest.” *Resnick*, 213 F.3d at 448 (alteration in original).

AFFIRMED.