NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

RICKY GRAY,	No. 09-17454
Plaintiff - Appellant,	D.C. No. 3:09-cv-02624-SI
v.	
B. COGDELL; et al.,	MEMORANDUM[*]
Defendants - Appellees.	

Appeal from the United States District Court
for the Northern District of California
Susan Illston, District Judge, Presiding

Submitted December 14, 2010[**]

Before: GOODWIN, WALLACE, and THOMAS Circuit Judges.

Ricky Gray, a California prisoner, appeals pro se from the district court's

order dismissing his 42 U.S.C. § 1983 complaint alleging that defendants violated

his due process rights by validating him as a prison gang member and confining

him for an indeterminate term in a security housing unit ("SHU"). The district

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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).

court dismissed Gray's complaint sua sponte for failure to state a claim. *See* 28 U.S.C. § 1915A. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal of a complaint under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

Gray claims that defendants B. Cogdell and F. Gardner, correctional officers, put false information regarding prison gang activity in his file, and that he has been committed to the SHU for an indeterminate term as a result. He claims that his confinement in the SHU constitutes "atypical and significant hardship." *See Sandin v. Conner*, 515 U.S. 472, 484-86, 115 S. Ct. 2293, 2300-02, 132 L. Ed. 2d 418 (1995). As the district court correctly noted, however, Gray failed to allege that he was not given an administrative disciplinary hearing before being transferred to the SHU. Gray has therefore failed to state a due process claim.

Gray's remaining contentions are unpersuasive.

AFFIRMED.