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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>PETER R. TIA,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>CRIMINAL INVESTIGATION DEMANDED AS SET FORTH,</p> <p style="text-align: center;">Defendant - Appellee.</p>
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No. 10-16979

D.C. No. 1:10-cv-00383-SOM-
BMK

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Susan Oki Mollway, Chief Judge, Presiding

Submitted June 15, 2011**

Before: CANBY, O'SCANNLAIN and FISHER, Circuit Judges.

Peter R. Tia, a Hawaii state prisoner, appeals pro se from the district court's judgment dismissing his action alleging violations of his constitutional rights and the Racketeer Influenced and Corrupt Organizations Act ("RICO"), 18 U.S.C. §§

* 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).

1961-1968. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court's dismissal of a complaint under 28 U.S.C. § 1915(A) for failure to state a claim. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Tia's claim that he was subject to inhumane conditions of confinement because Tia failed to allege that any prison officials were deliberately indifferent to conditions that posed a substantial risk of serious harm to him. *See Farmer v. Brennan*, 511 U.S. 825, 834-35 (1994) (setting forth deliberate indifference standard).

The district court properly denied Tia's request for a criminal investigation into the alleged RICO conspiracy because Tia lacks standing to compel an investigation or prosecution of another person. *See Linda R.S. v. Richard D.*, 410 U.S. 614, 619 (1973) (“[A] private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another.”).

Tia's remaining contentions are unpersuasive.

All pending motions are denied.

AFFIRMED.