

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 22 2011

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

RODNEY LOUIS GARROTT,

Plaintiff - Appellant,

v.

R. ARCHER; et al.,

Defendants - Appellees.

No. 09-35225

D.C. No. 2:08-cv-05053-EFS

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of Washington
Edward F. Shea, District Judge, Presiding

Submitted July 12, 2011**

Before: SCHROEDER, ALARCÓN, and LEAVY, Circuit Judges.

Washington state prisoner Rodney Louis Garrott appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations arising from an incident of verbal harassment. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court'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).

dismissal under 28 U.S.C. § 1915(e)(2), *Huftile v. Miccio-Fonseca*, 410 F.3d 1136, 1138 (9th Cir. 2005), and 28 U.S.C. § 1915A, *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We may affirm on any basis supported by the record, *Thompson v. Paul*, 547 F.3d 1055, 1058-59 (9th Cir. 2008), and we affirm.

The district court properly dismissed Garrott’s action, after twice giving him notice of the complaints’ deficiencies and providing leave to amend, because Garrott did not allege facts sufficient to show that defendants deprived him of any constitutional right. *See Oltarzewski v. Ruggiero*, 830 F.2d 136, 139 (9th Cir. 1987) (“Verbal harassment or abuse . . . is not sufficient to state a constitutional deprivation under 42 U.S.C. § 1983.” (citation, internal quotation marks, and brackets omitted)).

Garrott’s remaining contentions, including, to the extent he properly raised it below, an equal protection claim, are unpersuasive.

AFFIRMED.