

JUL 25 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>TODD BREWER WEEKS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>ALBERT TUFONO; et al.,</p> <p>Defendants - Appellees.</p>
--

No. 10-15982

D.C. No. 1:10-cv-00182-HG-BMK

MEMORANDUM*

Appeal from the United States District Court
for the District of Hawaii
Helen Gillmor, District Judge, Presiding

Submitted July 12, 2011**

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

Todd Brewer Weeks, a Hawaii state prisoner, appeals pro se from the district court’s judgment dismissing with prejudice his 42 U.S.C. § 1983 action alleging due process, retaliation, and equal protection claims against state parole board officials for denying him parole. We have jurisdiction under 28 U.S.C. § 1291.

* 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).

We review de novo a dismissal for failure to state a claim under 28 U.S.C. §§ 1915A and 1915(e)(2)(B)(ii). *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000); *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order). We affirm.

The district court properly dismissed all of Weeks’s claims because parole board officials are entitled to absolute quasi-judicial immunity for decisions to “grant, deny, or revoke parole,” which are “functionally comparable to tasks performed by judges.” *Swift v. California*, 384 F.3d 1184, 1189 (9th Cir. 2004) (citation and internal quotation marks omitted).

The district court properly found that Weeks’s claims were also barred because they were identical to claims that had been dismissed with prejudice in another § 1983 action. *See Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (dismissal appropriate where complaint “merely repeats pending or previously litigated claims” (citation and internal quotation marks omitted)).

Weeks’s remaining contentions are unpersuasive.

AFFIRMED.