

SEP 29 2011

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>KENNETH A. SIERRA,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>GRANNIS, Chief Inmate Appeals; et al.,</p> <p>Defendants - Appellees.</p>
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No. 09-15234

D.C. No. 1:08-cv-00887-RTB-CAB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Roger T. Benitez, District Judge, Presiding

Submitted September 27, 2011 **

Before: HAWKINS, SILVERMAN and W. FLETCHER, Circuit Judges.

California state prisoner Kenneth Sierra appeals pro se from the district court's dismissal of his 42 U.S.C. § 1983 action on the grounds that Sierra'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).

complaint was nearly incomprehensible. We have jurisdiction pursuant to 28 U.S.C. § 1291, and we affirm.

The district court did not err in dismissing Sierra's action. We agree that the complaint lacks an arguable basis in either law or fact. *See* 28 U.S.C. §§1915(e)(2)(B), 1915A.

AFFIRMED.