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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>STEVEN BROOKS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>WHITSON; et al.,</p> <p>Defendants - Appellees.</p>
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No. 10-17424

D.C. No. 2:10-cv-00682-JAM-DAD

MEMORANDUM\*

Appeal from the United States District Court  
for the Eastern District of California  
John A. Mendez, District Judge, Presiding

Submitted September 27, 2011\*\*

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

Steven Brooks, a California state prisoner, appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging due process violations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a district court’s dismissal under 28 U.S.C. § 1915A for failure to state a claim,

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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).

*Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000), and we affirm.

The district court properly dismissed the action because Brooks failed to state sufficient facts to show that a protected liberty or property interest was at stake. *See Serrano v. Francis*, 345 F.3d 1071, 1078 (9th Cir. 2003) (due process protections “adhere only when the disciplinary action implicates a protected liberty interest in some unexpected [manner] or imposes an atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life” (citation and internal quotation marks omitted)).

Brooks’s remaining contentions are unpersuasive.

**AFFIRMED.**