

OCT 11 2011

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JEROME PAUL WILSON,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>C. CAMPBELL, III, Correctional Lieutenant,</p> <p>Defendant - Appellee.</p>

No. 10-56112

D.C. No. 2:08-cv-08142-R-PLA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Manuel L. Real, District Judge, Presiding

Submitted September 27, 2011**

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

California state prisoner Jerome Paul Wilson appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional violations. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a

* 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. §§ 1915A and 1915(e)(2). *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 Wilson's excessive force claim against defendant Campbell in his third amended complaint because Wilson failed to allege that Campbell used more than a de minimis amount of force when snatching Wilson's necklace. *See Hudson v. McMillian*, 503 U.S. 1, 6-10 (1992) (de minimis use of force generally does not violate Eighth Amendment).

We do not consider Wilson's contentions concerning allegations he made in earlier versions of his complaint because they were not included in his third amended complaint which is the only complaint on review.

AFFIRMED.