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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JOHNNY EARL EVANS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>EL DORADO HILL; et al.,</p> <p>Defendants - Appellees.</p>

No. 10-15228

D.C. No. 1:07-cv-00604-OWW-WMW

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Oliver W. Wanger, District Judge, Presiding

Submitted October 25, 2011**

Before: TROTT, GOULD, and RAWLINSON, Circuit Judges.

Johnny Earl Evans, a California state prisoner, appeals pro se from the district court’s order dismissing his 42 U.S.C. § 1983 action alleging denial of access to the courts. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim under 28 U.S.C. § 1915A. *Resnick v.*

* 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).

Hayes, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Evans's action because Evans's access-to-courts claim concerning his attempt to file a small claims court case failed to allege any actual injury as a result of his alleged inadequate access to the prison law library and legal research materials. *See Lewis v. Casey*, 518 U.S. 343, 349-51, 353 n.3, 354-55 (1996) (prisoner must demonstrate that the alleged shortcomings in the prison's library or legal assistance program resulted in actual injury and hindered his efforts to pursue a non-frivolous legal claim challenging his sentence or conditions of confinement).

Because an amended complaint supersedes a previous complaint, Evans has waived any errors in the district court's dismissal of his original complaint for any claims not realleged in his operative complaint. *See Forsyth v. Humana, Inc.*, 114 F.3d 1467, 1474 (9th Cir. 1997).

AFFIRMED.