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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

LERAJJAREAN RA-O-KEL-LY,

Plaintiff - Appellant,

v.

MICHAEL JOHNSON; et al.,

Defendants - Appellees.

No. 10-35837

D.C. No. 1:09-cv-00645-MHW

MEMORANDUM\*

Appeal from the United States District Court  
for the District of Idaho  
Mikel H. Williams, Magistrate Judge, Presiding\*\*

Submitted November 21, 2011\*\*\*

Before: TASHIMA, BERZON, and TALLMAN, Circuit Judges.

Lerajjarean Ra-o-kel-ly appeals pro se from the district court's judgment dismissing under 28 U.S.C. § 1915A his 42 U.S.C. § 1983 action alleging violations

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* Appellant consented to proceed before a magistrate judge. *See* 28 U.S.C. § 636(c).

\*\*\* The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

of his constitutional rights. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Appellant’s access-to-courts claim because Appellant failed to allege any facts to establish that he has been hindered from pursuing a nonfrivolous claim. *See Lewis v. Casey*, 518 U.S. 343, 352-53 (1996) (to state an access-to-courts claim, inmate must “demonstrate that a nonfrivolous legal claim had been frustrated or was being impeded”).

The district court also properly dismissed Appellant’s retaliation claims because Appellant failed to allege facts that would establish that defendants took adverse action against him because he exercised his constitutional rights. *See Rhodes v. Robinson*, 408 F.3d 559, 567-68 (9th Cir. 2005) (elements of a retaliation claim).

Appellant’s remaining contentions are unpersuasive.

Appellant’s “Motion for Ruling on Opening Brief” is denied as moot.

**AFFIRMED.**