

MAR 06 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AKAN BOYD,

Plaintiff - Appellant,

v.

OFFICE OF RISK INSURANCE
MANAGEMENT; et al.,

Defendants - Appellees.

No. 11-15595

D.C. No. 3:10-cv-02971-RS

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Richard Seeborg, District Judge, Presiding

Submitted February 21, 2012**

Before: FERNANDEZ, McKEOWN, and BYBEE, Circuit Judges.

Akan Boyd appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging violations of the Equal Protection Clause and the Administrative Procedure Act. We have jurisdiction under 28 U.S.C. § 1291. We

* 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).

review de novo, *Knievel v. ESPN*, 393 F.3d 1068, 1072 (9th Cir. 2005), and we affirm.

The district court properly dismissed Boyd's action because California state agencies are immune from suit in federal court, and Boyd failed to amend to state a claim against any individual defendant despite an opportunity to do so. *See Will v. Mich. Dep't of State Police*, 491 U.S. 58, 66 (1989) (§ 1983 does not override the states' Eleventh Amendment immunity from being sued in federal court); *Riggle v. California*, 577 F.2d 579, 585-86 (9th Cir. 1978) (California Tort Claims Act does not waive the states' or state agencies' Eleventh Amendment immunity from being sued in federal court).

Boyd's remaining contentions are unpersuasive.

AFFIRMED.