

APR 24 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

WILLIAM CECIL THORNTON,

Plaintiff - Appellant,

v.

GEORGE A. NEOTTI; et al.,

Defendants - Appellees.

No. 11-55108

D.C. No. 3:10-cv-01677-LAB-
BGS

MEMORANDUM*

Appeal from the United States District Court
for the Southern District of California
Larry A. Burns, District Judge, Presiding

Submitted April 17, 2012**

Before: LEAVY, PAEZ, and BEA, Circuit Judges.

California state prisoner William Cecil Thornton appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging denial of access to courts. We have jurisdiction under 28 U.S.C. § 1291. We review de

* 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).

novo the district court's dismissal for failure to state a claim under 28 U.S.C. §§ 1915A or 1915(e)(2)(B)(ii). *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 Thornton's access to courts claim because he failed to allege any facts to establish that he has been hindered from pursuing a nonfrivolous claim. *See Christopher v. Harbury*, 536 U.S. 403, 415-16 (2002) (underlying claim must be "described well enough to apply the 'nonfrivolous' test"); *Lewis v. Casey*, 518 U.S. 343, 348-49, 353 (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 properly dismissed Thornton's claims concerning the handling of his grievances because he has not stated a legitimate claim of entitlement to grievance procedures. *See Mann v. Adams*, 855 F.2d 639, 640 (9th Cir. 1988) (order).

Thornton's remaining contentions are unpersuasive.

AFFIRMED.