

MAY 25 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

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| <p>MANUEL F. MARQUES,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>DWIGHT NEVEN; et al.,</p> <p>Defendants - Appellees.</p> |
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No. 11-16036

D.C. No. 2:08-cv-00656-RLH-RJJ

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Roger L. Hunt, District Judge, Presiding

Submitted May 15, 2012**

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

Nevada state prisoner Manuel F. Marques appeals pro se from the district court's judgment dismissing his action alleging constitutional violations in connection with a prison disciplinary conviction. We have jurisdiction under 28

* 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).

U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915A for failure to state a claim. *Hamilton v. Brown*, 630 F.3d 889, 892 (9th Cir. 2011). We affirm.

The district court properly dismissed without prejudice Marques' fourth amended complaint because Marques failed to allege facts sufficient to support his claims. *See Ashcroft v. Iqbal*, 556 U.S. 662, 677-78 (2009) (to avoid dismissal, a plaintiff must allege more than "labels and conclusions" or "naked assertion[s]" in support of his claims (citation and internal quotation marks omitted)).

AFFIRMED.