

SEP 19 2012

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>RICKARD DENNIS ANDERSON,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>STATE OF CALIFORNIA; et al.,</p> <p>Defendants - Appellees.</p>
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No. 11-17234

D.C. No. 3:11-cv-03036-SI

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Susan Illston, District Judge, Presiding

Submitted September 10, 2012**

Before: WARDLAW, CLIFTON, and N.R. SMITH, Circuit Judges.

Rickard Dennis Anderson appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action as frivolous. 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. § 1915(e)(2)(B)(i), *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order), and we affirm.

The district court properly dismissed Anderson's action as frivolous because the complaint contains indecipherable facts and unsupported legal assertions. *See Jackson v. Arizona*, 885 F.2d 639, 640-41 (9th Cir. 1989) (a complaint may be dismissed as frivolous if it lacks an arguable basis in law or fact) (*superseded by statute on other grounds as stated in Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000)); *see also Ferdik v. Bonzelet*, 963 F.2d 1258, 1261 (9th Cir. 1992) (the district court's discretion to deny leave to amend is particularly broad where it has afforded plaintiff one or more opportunities to amend).

Anderson's motion for in forma pauperis status filed on December 27, 2011, is denied as unnecessary because we previously granted him this status.

AFFIRMED.