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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>JEFF MICHAEL WELCH,</p> <p style="text-align: center;">Plaintiff - Appellant,</p> <p style="text-align: center;">v.</p> <p>CHARLES L. RYAN, Director of Arizona Department of Corrections; et al.,</p> <p style="text-align: center;">Defendants - Appellees.</p>

No. 12-15948

D.C. No. 2:11-cv-02164-NVW-
LOA

MEMORANDUM*

Appeal from the United States District Court
for the District of Arizona
Neil V. Wake, District Judge, Presiding

Submitted February 11, 2013**

Before: FERNANDEZ, TASHIMA, and WARDLAW, Circuit Judges.

Arizona state prisoner Jeff Michael Welch appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging that Arizona Revised Statutes § 31-201.01(L) violates his due process rights. We have

* 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).

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

The district court properly dismissed Welch's claims against Arizona Attorney General Thomas Horne because Horne is entitled to Eleventh Amendment sovereign immunity, and Welch did not allege that Horne waived that immunity or consented to be sued in federal court. *See Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 100-01 (1984). To the extent that Welch has sued Horne in his individual capacity, the district court properly determined that Welch failed to allege an affirmative link between individual actions by Horne and any alleged injury to Welch. *See Rizzo v. Goode*, 423 U.S. 362, 371 (1976).

The district court properly dismissed Welch's claim for injunctive or declaratory relief because Welch failed to allege any constitutional violation by Horne.

Welch's motion for a favorable ruling, filed on September 28, 2012, and request for an injunction, filed on December 3, 2012, are denied.

AFFIRMED.