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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>DEREK TODD,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>GARY ICHIKAWA, Judge,</p> <p>Defendant - Appellee.</p>
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No. 12-16588

D.C. No. 2:12-cv-01379-MCE-GGH

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., Chief Judge, Presiding

Submitted December 17, 2013**

Before: GOODWIN, WALLACE, and GRABER, Circuit Judges.

Derek Todd appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging that Judge Ichikawa denied Todd visitation with his son during Easter in violation of Todd’s constitutional rights. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal 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. § 1915(e)(2)(B)(ii). *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order). We affirm.

The district court properly dismissed Todd's action because Judge Ichikawa is immune from liability. *See Mireles v. Waco*, 502 U.S. 9, 9, 11-12 (1991) (per curiam) (judges are absolutely immune from suits for damages based on their judicial conduct except when performing nonjudicial functions or acting in the complete absence of jurisdiction).

AFFIRMED.