

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

OCT 21 2014

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

JOHN RAY GHOLAR,

Plaintiff - Appellant,

v.

JAMES A. YATES, Warden,

Defendant - Appellee.

No. 13-17388

D.C. No. 1:12-cv-01182-LJO-SAB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Lawrence J. O'Neill, District Judge, Presiding

Submitted October 14, 2014 **

Before: LEAVY, GOULD, and BERZON, Circuit Judges.

John Ray Gholar appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging denial of access to the courts. We have jurisdiction under 28 U.S.C. § 1291. We review de novo. *Wilhelm v. Rotman*, 680 F.3d 1113, 1118 (9th Cir. 2012) (dismissal under 28 U.S.C.

* 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).

§ 1915A); *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998) (order) (dismissal under 28 U.S.C. § 1915(e)(2)). We affirm.

The district court properly dismissed Gholar's action because Gholar failed to allege sufficient facts to show any actual injury due to the alleged inadequate prison law library access. *See Lewis v. Casey*, 518 U.S. 343, 348-49 (1996) (access-to-courts claim requires the plaintiff to show that the defendants' conduct caused actual injury to a non-frivolous legal claim).

Appellee's request for judicial notice is granted. *See Fed. R. Evid.* 201.

AFFIRMED.