

APR 16 2015

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

IGNACIO CERVANTES CHAVEZ,

Plaintiff - Appellant,

v.

LOS ANGELES COUNTY; et al.,

Defendants - Appellees.

No. 14-55697

D.C. No. 2:13-cv-08987-UA-FFM

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
George H. King, Chief Judge, Presiding

Submitted April 7, 2015**

Before: FISHER, TALLMAN, and NGUYEN, Circuit Judges.

Ignacio Cervantes Chavez appeals pro se from the district court's order denying his motion for leave to proceed in forma pauperis ("IFP") in his 42 U.S.C. § 1983 action arising out of the vacatur of his state criminal conviction. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review for an abuse of discretion

* 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).

the district court's denial of leave to proceed IFP. *See O'Loughlin v. Doe*, 920 F.2d 614, 616 (9th Cir. 1990). We affirm.

The district court did not abuse its discretion in denying Chavez's motion for leave to proceed IFP because Chavez failed to allege any facts showing how the defendants had violated his constitutional rights. *See Tripathi v. First Nat'l Bank & Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987) ("A district court may deny leave to proceed [IFP] at the outset if it appears from the face of the proposed complaint that the action is . . . without merit."); *Gibson v. United States*, 781 F.2d 1334, 1338 (9th Cir. 1986) (elements of a claim under 42 U.S.C. §1983).

Chavez's motion for appointment of counsel, filed on November 19, 2014, is denied.

AFFIRMED.