

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUL 31 2015

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

EDWIN J. COHENS,

Plaintiff - Appellant,

v.

ALAMEDA COUNTY SHERIFF
DEPARTMENT,

Defendant - Appellee.

No. 13-16830

D.C. No. 3:13-cv-00303-JST

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Jon S. Tigar, District Judge, Presiding

Submitted July 21, 2015**

Before: CANBY, BEA, and MURGUIA, Circuit Judges.

Edwin J. Cohens appeals pro se from the district court's order dismissing his 42 U.S.C. § 1983 action. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Fed. R. Civ. P. 12(b)(6). *Hebbe v. Pliler*, 627

* 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).

F.3d 338, 341 (9th Cir. 2010). We affirm.

The district court properly dismissed Cohen's 42 U.S.C. § 1983 claim because Cohen failed to allege facts sufficient to state any plausible claim. *See id.* at 341-42 (although pro se pleadings are to be liberally construed, a plaintiff must present factual allegations sufficient to state a plausible claim for relief); *see also AE ex rel. Hernandez v. County of Tulare*, 666 F.3d 631, 636-37 (9th Cir. 2012) (discussing pleading requirements for a *Monell* liability claim).

The district court did not abuse its discretion by denying leave to amend after providing notice of deficiencies and one opportunity to amend and concluding that further amendment would be futile. *See Lopez v. Smith*, 203 F.3d 1122, 1130 (9th Cir. 2000) (en banc) (setting forth standard of review and explaining that leave to amend should be given unless the deficiencies in the complaint cannot be cured by amendment).

AFFIRMED.