

AUG 25 2016

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

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

ERIC LEON CHRISTIAN,

Plaintiff-Appellant,

v.

CHRISTOPHER HOYE,

Defendant-Appellee.

No. 15-16545

D.C. No. 2:15-cv-00305-RCJ-
GWF

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Robert Clive Jones, District Judge, Presiding

Submitted August 16, 2016**

Before: O'SCANNLAIN, LEAVY, and CLIFTON, Circuit Judges.

Eric Leon Christian appeals pro se from the district court's judgment dismissing his action alleging federal claims arising out of his incarceration. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B). *Barren v. Harrington*,

* This disposition is not appropriate for publication and is not precedent except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

152 F.3d 1193, 1194 (9th Cir. 1998) (order). We affirm.

The district court properly dismissed Christian’s action because Hoye is immune from suit for complying with a facially valid court order. *See Engebretson v. Mahoney*, 724 F.3d 1034, 1038 (9th Cir. 2013) (“[P]ublic officials who ministerially enforce facially valid court orders are entitled to absolute immunity.”); *Hoffman v. Halden*, 268 F.2d 280, 300 (9th Cir. 1959) (the failure to release a prisoner held on a warrant or commitment cannot form the basis of a civil rights action even if “the conviction later set aside”), *overruled on other grounds by Cohen v. Norris*, 300 F.2d 24 (9th Cir. 1962).

Christian’s pending motions are denied.

AFFIRMED.