

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JAN 30 2017

FOR THE NINTH CIRCUIT

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

RENEE STEPHENS,

Plaintiff-Appellant,

v.

OREGON DRIVER AND MOTOR
VEHICLES SERVICES DIVISION,
(DMV) a Division of the Oregon
Department of Transportation,

Defendant-Appellee.

No. 15-35456

D.C. No. 3:15-cv-00709-HZ

MEMORANDUM*

Appeal from the United States District Court
for the District of Oregon
Marco A. Hernandez, District Judge, Presiding

Submitted January 18, 2017**

Before: TROTT, TASHIMA, and CALLAHAN, Circuit Judges.

Renee Stephens appeals pro se from the district court's judgment in his 42
U.S.C. § 1983 action alleging a due process claim and a violation of 18 U.S.C.

* 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).

§ 1028. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii). *Barren v. Harrington*, 152 F.3d 1193, 1194 (9th Cir. 1998). We affirm.

The district court properly dismissed Stephens' action against the State of Oregon on the basis of Eleventh Amendment immunity. *See Krainski v. Nev. ex. rel. Bd. of Regents of Nev. Sys. of Higher Educ.*, 616 F.3d 963, 967 (9th Cir. 2010) (Eleventh Amendment bars suits against the State, its agencies, and state officials sued in their official capacities).

We reject as without merit Stephens' contention that the district court should have construed his complaint as requesting injunctive relief.

AFFIRMED.