

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 16 2017

FOR THE NINTH CIRCUIT

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

CHRISTOPHER R. GRANTON,

No. 16-35793

Plaintiff-Appellant,

D.C. No. 3:16-cv-05420-RJB

v.

MEMORANDUM*

WASHINGTON STATE LOTTERY,

Defendant-Appellee.

Appeal from the United States District Court
for the Western District of Washington
Robert J. Bryan, District Judge, Presiding

Submitted March 8, 2017**

Before: LEAVY, W. FLETCHER, and OWENS, Circuit Judges.

Christopher R. Granton appeals pro se from the district court's judgment dismissing his action alleging that the Washington State Lottery unconstitutionally denied him restitution. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal of an action as barred by Eleventh Amendment immunity.

* 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).

Micomonaco v. Washington, 45 F.3d 316, 319 (9th Cir. 1995). We affirm.

The district court properly dismissed Granton’s action against the Washington State Lottery on the basis of Eleventh Amendment immunity. *See Krainski v. Nevada ex rel. Bd. of Regents of Nevada System of Higher Educ.*, 616 F.3d 963, 967 (9th Cir. 2010) (“The Eleventh Amendment bars suits against the State or its agencies for all types of relief, absent unequivocal consent by the state.” (citation omitted)); *Nat’l Audubon Society, Inc. v. Davis*, 307 F.3d 835, 848 (9th Cir. 2002) (recognizing that claims against a state or its officials seeking damages or restitution are “of course prohibited by the Eleventh Amendment” (citation and internal quotation marks omitted)); *Confederated Tribes & Bands of Yakama Indian Nation v. Locke*, 176 F.3d 467, 469-70 (9th Cir. 1999) (recognizing the Washington State Lottery as a state agency). In light of our disposition, we do not address the merits of Granton’s claims.

AFFIRMED.