

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAY 11 2017

FOR THE NINTH CIRCUIT

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

DONALD MORRIS LEE,

No. 16-35472

Petitioner-Appellant,

D.C. No. 2:16-cv-00311-RSL

v.

MEMORANDUM*

STATE OF WASHINGTON,

Respondent-Appellee.

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

Submitted May 8, 2017**

Before: REINHARDT, LEAVY, and NGUYEN, Circuit Judges.

Washington state prisoner Donald Morris Lee appeals pro se from the district court's judgment dismissing his "RICO Complaint by a Civilian." We have jurisdiction under 28 U.S.C. § 1291. We review de novo the district court's dismissal for failure to state a claim under the Racketeer Influenced and Corrupt

* 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).

Organizations Act (“RICO”), *see Howard v. Am. Online Inc.*, 208 F.3d 741, 746 (9th Cir. 2000), and we affirm.

Although Lee’s action was docketed as a 28 U.S.C. § 2241 habeas petition, Lee is not seeking habeas relief, as the district court noted. Instead, he alleges a RICO violation premised upon someone allegedly forging a judge’s signature on orders in his state court proceedings. The district court properly dismissed Lee’s action because he failed to allege facts sufficient to state a plausible RICO claim. *See Sedima, S.P.R.L. v. Imrex Co., Inc.*, 473 U.S. 479, 496 (1985) (elements of RICO claim); *Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are to be liberally construed, a plaintiff must present factual allegations sufficient to state a plausible claim for relief).

All pending motions are denied.

AFFIRMED.