

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 29 2021

FOR THE NINTH CIRCUIT

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

RICHARD J. GLAIR,

Plaintiff-Appellant,

v.

A. GUTIERREZ, a California Highway
Patrol Officer,

Defendant-Appellee.

No. 20-55500

D.C. No. 2:17-cv-02886-DDP-PJW

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Dean D. Pregerson, District Judge, Presiding

Submitted July 19, 2021**

Before: SCHROEDER, SILVERMAN, and MURGUIA, Circuit Judges.

Richard J. Glair appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action arising from his protest outside a state government building. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6). *Colony Cove Props.*,

* 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).

LLC v. City of Carson, 640 F.3d 948, 955 (9th Cir. 2011). We affirm.

The district court properly dismissed Glair’s action because Glair failed to allege facts sufficient to state any plausible claim. *See United States v. Jacobsen*, 466 U.S. 109, 113 (1984) (“A ‘seizure’ of property occurs when there is some meaningful interference with an individual’s possessory interests in that property.”); *United States v. Mendenhall*, 446 U.S. 544, 551-52 (1980) (explaining the threshold for detention under the Fourth Amendment); *Ariz. Students’ Ass’n v. Ariz. Bd. of Regents*, 824 F.3d 858, 867 (9th Cir. 2016) (to make out a First Amendment retaliation claim, plaintiff must allege interference or an intention to interfere with a constitutionally protected activity); *see also Reese v. County of Sacramento*, 888 F.3d 1030, 1040-41 (9th Cir. 2018) (elements of a Bane Act claim under California Civil Code section 52.1).

AFFIRMED.