

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

SEP 22 2021

FOR THE NINTH CIRCUIT

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

PAUL NIVARD BEATON,

No. 20-16370

Plaintiff-Appellant,

D.C. No. 2:19-cv-02039-TLN-CKD

v.

MEMORANDUM*

U.S. IMMIGRATION, Sacramento Field
Office; IMMIGRATION AND CUSTOMS
ENFORCEMENT, Sacramento Field Office,

Defendants-Appellees.

Appeal from the United States District Court
for the Eastern District of California
Troy L. Nunley, District Judge, Presiding

Submitted September 14, 2021**

Before: PAEZ, NGUYEN, and OWENS, Circuit Judges.

California state prisoner Paul Nivard Beaton appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging constitutional claims. We have jurisdiction under 28 U.S.C. § 1291. We review de novo the

* 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).

district court's dismissal under 28 U.S.C. § 1915A. *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000). We affirm.

The district court properly dismissed Beaton's action because Beaton failed to allege facts sufficient to state a plausible claim. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (although pro se pleadings are construed liberally, a plaintiff must allege facts sufficient to state a plausible claim); *see also Christopher v. Harbury*, 536 U.S. 403, 415 (2002) (requirements for denial of access to courts claim); *Krainski v. Nev. ex rel. Bd. of Regents of Nev. Sys. of Higher Educ.*, 616 F.3d 963, 970 (9th Cir. 2010) (a claim for procedural due process requires a "deprivation of a constitutionally protected liberty or property interest").

Beaton's motion to include exhibits with his opening brief (Docket Entry No. 16) is granted.

AFFIRMED.