

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 25 2022

FOR THE NINTH CIRCUIT

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

PETER VU,

No. 21-15619

Plaintiff-Appellant,

D.C. No. 4:20-cv-04579-JSW

v.

MEMORANDUM*

SAN FRANCISCO POLICE
DEPARTMENT; CITY OF SAN
FRANCISCO, a municipal corporation;
WILLIAM SCOTT, Officer; as an individual
in his official capacity as a Police Chief of
San Francisco Police Department;
NICHOLAS RAINSFORD, Officer; as an
individual in his official capacity as an
officer of San Francisco Police Department;
ZUROSKI, First name unknown; Officer; as
an individual in his official capacity as an
officer of San Francisco Police Department;
E. ROBERTS, Officer; as an individual in
his official capacity as an officer of San
Francisco Police Department,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of California
Jeffrey S. White, District Judge, Presiding

Submitted February 15, 2022**

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

Before: FERNANDEZ, TASHIMA, and FRIEDLAND, Circuit Judges.

Peter Vu appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging a Fourteenth Amendment equal protection violation. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C. § 1915(e)(2)(B). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). We affirm.

The district court properly dismissed Vu's action because Vu failed to allege facts sufficient to state a plausible claim. *See Furnace v. Sullivan*, 705 F.3d 1021, 1030 (9th Cir. 2013) ("To state a claim under 42 U.S.C. § 1983 for a violation of the Equal Protection Clause of the Fourteenth Amendment a plaintiff must show that the defendants acted with an intent or purpose to discriminate against the plaintiff based upon membership in a protected class." (citation and internal quotation marks omitted)); *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).

AFFIRMED.

^{**} The panel unanimously concludes this case is suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).