

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 24 2022

FOR THE NINTH CIRCUIT

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

RODNEY SHEPPARD,

No. 21-15950

Plaintiff-Appellant,

D.C. No. 2:21-cv-00422-JJT-JZB

v.

MEMORANDUM*

ARIZONA DEPARTMENT OF
CORRECTIONS REENTRY AND
REHABILITATION; et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Arizona
John Joseph Tuchi, District Judge, Presiding

Submitted March 16, 2022**

Before: SILVERMAN, MILLER, and BUMATAY, Circuit Judges.

Arizona state prisoner Rodney Sheppard appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging a violation of due process. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a

* 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).

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 Sheppard's action because Sheppard 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 present factual allegations sufficient to state a plausible claim for relief); *see also Sandin v. Conner*, 515 U.S. 472, 483-85 (1995) (a prisoner has no federal or state protected liberty interest when the sanction imposed neither extends the length of his sentence nor imposes an "atypical and significant hardship on the inmate in relation to the ordinary incidents of prison life").

The district court did not abuse its discretion by dismissing Sheppard's claim without leave to amend because amendment would have been futile. *See Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1041 (9th Cir. 2011) (standard of review and explaining that dismissal without leave to amend is proper when amendment would be futile).

Sheppard's motions for a certificate of appealability (Docket Entry Nos. 7 and 8) are denied. Sheppard's motion for an injunction, as set forth in the opening brief, is denied as moot.

AFFIRMED.