

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

JUL 21 2022

FOR THE NINTH CIRCUIT

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

ROBERT LEE ERSKINE,

No. 21-35621

Plaintiff-Appellant,

D.C. No. 2:20-cv-02269-JR

v.

MEMORANDUM*

ALL CORPORATIONS AND
INDIVIDUALS, THAT PARTICIPATE IN
THE MANUFACTURING, SALES, AND
DISTRIBUTION OF ALCOHOL; ALL
STATE, FEDERAL AGENCIES,
INCLUDING GOVERNMENT AGENCIES
THAT REGULATE THE
MANUFACTURE, SALES AND
DISTRIBUTION OF ALCOHOL AND ALL
U.S. DEPARTMENT OF JUSTICE,

Defendants-Appellees.

Appeal from the United States District Court
for the District of Oregon
Michael W. Mosman, District Judge, Presiding

Submitted July 12, 2022**

Before: SCHROEDER, R. NELSON, and VANDYKE, Circuit Judges.

* 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).

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

The district court properly dismissed Erskine's action because Erskine failed to state any plausible claims for relief. *See Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989), *abrogated on other grounds by Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007) ("[T]he [PLRA] statute accords judges not only the authority to dismiss a claim based on an indisputably meritless legal theory, but also the unusual power to pierce the veil of the complaint's factual allegations and dismiss those claims whose factual contentions are clearly baseless.").

Erskine's motions to appoint counsel are denied.

AFFIRMED.