

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

APR 26 2023

FOR THE NINTH CIRCUIT

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

ANTHONY K. ANDERSON,

Plaintiff-Appellant,

v.

STATE OF NEVADA; CHARLES
THOMPSON,

Defendants-Appellees.

No. 22-16611

D.C. No. 2:22-cv-00127-ART-BNW

MEMORANDUM*

Appeal from the United States District Court
for the District of Nevada
Anne R. Traum, District Judge, Presiding

Submitted April 17, 2023**

Before: CLIFTON, R. NELSON, and BRESS, Circuit Judges.

Nevada state prisoner Anthony K. Anderson 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. *Brown v. Cal. Dep't of Corr.*, 554 F.3d 747, 749-50 (9th Cir. 2009) (Eleventh Amendment

* 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).

immunity); *Sadoski v. Mosley*, 435 F.3d 1076, 1077 n.1 (9th Cir. 2006) (judicial immunity); *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000) (failure to state a claim under 28 U.S.C. § 1915A). We affirm.

The district court properly dismissed Anderson's action because defendants are immune from suit. *See Brown*, 554 F.3d at 752 (explaining that the State has Eleventh Amendment immunity); *Ashelman v. Pope*, 793 F.2d 1072, 1075 (9th Cir. 1986) (a judge is subject to liability only when "he acts in the clear absence of all jurisdiction, or performs an act that is not judicial in nature" (citations and internal quotation marks omitted)).

Anderson's motions for injunctive relief (Docket Entry No. 3), appointment of pro bono counsel (Docket Entry No. 4), default judgment (Docket Entry No. 5) and presentation of forensic evidence (Docket Entry No. 11) are denied.

Anderson's motion to file an oversized brief (Docket Entry No. 7) is denied as unnecessary.

AFFIRMED.