

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

OCT 18 2023

FOR THE NINTH CIRCUIT

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

CARL DWAYNE STEVENSON,

No. 23-55090

Plaintiff-Appellant,

D.C. No. 2:22-cv-01791-MWF-AFM

v.

MEMORANDUM*

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION,
Chief Office of Appeals,

Defendant-Appellee.

Appeal from the United States District Court
for the Central District of California
Michael W. Fitzgerald, District Judge, Presiding

Submitted October 10, 2023**

Before: S.R. THOMAS, McKEOWN, and HURWITZ, Circuit Judges.

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

* 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).

Watison v. Carter, 668 F.3d 1108, 1112 (9th Cir. 2012) (dismissal under 28 U.S.C. § 1915(e)(2)(B)(ii)); *Resnick v. Hayes*, 213 F.3d 443, 447 (9th Cir. 2000) (dismissal under 28 U.S.C. § 1915A). We affirm.

The district court properly dismissed Stevenson’s action because Stevenson’s official capacity claims were barred by sovereign immunity, and Stevenson otherwise failed to allege facts sufficient to state a plausible claim. *See Hebbe v. Pliler*, 627 F.3d 338, 341-42 (9th Cir. 2010) (explaining that although pro se pleadings are construed liberally, a plaintiff must present factual allegations sufficient to state a plausible claim for relief); *Brown v. Cal. Dep’t of Corr.*, 554 F.3d 747, 752 (9th Cir. 2009) (holding that the California Department of Corrections is entitled to Eleventh Amendment immunity); *Ramirez v. Galaza*, 334 F.3d 850, 860 (9th Cir. 2003) (holding that an inmate could not bring a due process challenge to the processing of his grievances because “inmates lack a separate constitutional entitlement to a specific prison grievance procedure”).

We reject as unsupported by the record Stevenson’s allegations of judicial bias.

Stevenson’s motion to appoint counsel (Docket Entry No. 4) is denied.

AFFIRMED.