

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

FEB 19 2026

FOR THE NINTH CIRCUIT

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

LARRY CURLEE,

Plaintiff - Appellant,

v.

SOCIAL SECURITY
ADMINISTRATION,

Defendant - Appellee.

No. 24-4068

D.C. No. 1:22-cv-01593-JLT-BAM

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Jennifer L. Thurston, District Judge, Presiding

Submitted February 18, 2026**

Before: CALLAHAN, FRIEDLAND, and BRESS, Circuit Judges.

California state civil detainee Larry Curlee appeals pro se from the district court's judgment dismissing his action alleging claims related to the Social Security Administration's termination of his benefits. We have jurisdiction under

* 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).

28 U.S.C. § 1291. We review de novo a dismissal under 28 U.S.C.

§ 1915(e)(2)(B)(ii). *Watison v. Carter*, 668 F.3d 1108, 1112 (9th Cir. 2012). We affirm.

The district court properly dismissed Curlee’s action because the Social Security Act bars benefits-related claims under the Federal Tort Claims Act, and a plaintiff may not bring a federal due process action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971), for allegedly unconstitutional conduct resulting in the termination of benefits. *See Hooker v. U.S. Dep’t of Health & Human Servs.*, 858 F.2d 525, 530 (9th Cir. 1988).

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

AFFIRMED.