

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 20 2026

FOR THE NINTH CIRCUIT

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

BENJAMIN ROBERT GALLEGOS,

Plaintiff - Appellant,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND
REHABILITATION; STATE OF
CALIFORNIA, Prison Law Office;
COLEMAN, Office of Inspector General;
XAVIER BECERRA, State of California,
Department of Justice; ROSEN BIEN
GALVAN & GRUNFELD, LLP;
CALIFORNIA CORRECTIONAL
HEALTH CARE SERVICES; EBERT,
Correctional Counselor; CALIFORNIA
OFFICE OF INTERNAL AFFAIRS,

Defendants - Appellees.

No. 24-6125

D.C. No. 2:22-cv-01790-DAD-EFB

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Dale A. Drozd, District Judge, Presiding

Submitted March 16, 2026**

* 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).

Before: SILVERMAN, NGUYEN, and HURWITZ, Circuit Judges.

California state prisoner Benjamin Robert Gallegos appeals pro se from the district court's judgment dismissing his 42 U.S.C. § 1983 action alleging interference with his right to marry. We have jurisdiction under 28 U.S.C. § 1291. We review de novo a dismissal under Federal Rule of Civil Procedure 12(b)(6). *Puri v. Khalsa*, 844 F.3d 1152, 1157 (9th Cir. 2017). We affirm.

The district court properly dismissed Gallegos's claims against defendant Ebert because Gallegos failed to allege facts sufficient to show that Ebert violated Gallegos's constitutional right to marriage. *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); *see also Turner v. Safley*, 482 U.S. 78, 94-99 (1987) (analyzing constitutionality of restrictions on marriage in the prison context).

We reject as unsupported by the record Gallegos's contentions that the district court denied Gallegos due process or access to the courts.

We do not consider matters not specifically and distinctly raised and argued in the opening brief. *See Padgett v. Wright*, 587 F.3d 983, 985 n.2 (9th Cir. 2009).

All pending motions and requests are denied.

AFFIRMED.